FOURTEENTH REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING MARCH 31

1919

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[No. 20c—1920.]

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Sir H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

S. J. MCLEAN, M.A., LL.B., Ph.D., *Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. C. BOYCE, K.C., *Commissioner.*

A. D. CARTWRIGHT,
Secretary.

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To the Governor in Council:

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Fourteenth Report for the year ending March 31, 1919.

Since the submission of the Board's last report there have been no further amendments to the Railway Act, but there is before Parliament, for its approval, a Bill to consolidate and amend the Railway Act which it is expected will be dealt with during the present session of Parliament.

PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from April 1, 1918, to March 31, 1919, the Board held 66 public sittings at which 320 applications were heard. The number of public sittings held in the various provinces were as follows:—

Province—	Number.
Ontario	43
Quebec	2
Manitoba	2
Saskatchewan	4
Alberta	5
British Columbia	6
New Brunswick	2
Nova Scotia	2
Total	66

The applications heard at the above sittings of the Board cover a large variety of matters falling within its jurisdiction, from matters of private interest to matters of general public interest affecting the community at large.

FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the Board, in contradistinction to matters heard at its public sittings, constitutes a large percentage of the total applications and complaints dealt with by it, in other words, out of a total of 3,326 appli-

cations and complaints received and dealt with by the Board, 10 per cent was set down for formal hearing and 90 per cent was disposed of without the necessity of such hearing. The informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and research on the part of the Board's officials, and cover a wide range of subjects, from complaints of a more or less trivial character to matters of general public interest affecting the community as a whole, or involving the application of some general principle respecting railway rates.

RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of $200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 30th March, 1919, 411 orders, providing protection at 460 crossings as follows:—

By electric bells	252
" gates	111
" subways	50
" overhead bridges	21
" diversion of highways	22
" closing of streets	5
" removal of view obstructions	3
" shelter	1
" towers	3

It will be seen by comparing the total number of crossings protected, with the Thirteenth Annual Report of the Board, that the increase for the year ending March 31, 1919, in the number of crossings protected, numbers 16, made up as follows:—

By electric bells	11
" gates	3
" overhead bridges	1
" diversion of highways	2
" closing of streets	2
" towers	1

NOTE.—Sixteen crossings and twenty protections, consequent on account of two bells being ordered at two crossings, extra tower at one crossing, and extra diversion in covering two crossings.

In connection with the granting of aid to protective works under this fund, attention is again directed to the fact that the Board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding $100,000, and occasionally as high as several million dollars, so that the limitation of $5,000 (not to be applied in any one year, to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a mere fraction of the total amount involved.

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GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the Board at its public sittings for the year ending March 31, 1919.

A synopsis of the principal judgments will be found under Appendix "A" to this report.

GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that the form of bill of lading issued by the Government of the United States of America for use in respect of all shipments of munitions, war materials and supplies by or on behalf of the Government or any of its contractors, be approved, and that notwithstanding the provisions of the Board's General Order No. 41, the form approved may be used by all such railway companies in regard to such shipments of munitions.

Direction that all railway companies, including the Government Railways in Canada, advance by one hour the standard time observed and used by them in the different zones in which they operate, the change to become effective at twelve o'clock Saturday evening, April 13, and to remain in force and effect until two o'clock Friday morning, October 31, 1918.

Rescission of the Board's General Order No. 11, dated July 8, 1908, and direction for the interpretation, application and operation of the Board's General Order No 230, dated May 17, 1918, in regard to (*a*) interswitching, (*b*) interchange, and dealing generally with the matter of interswitching of freight traffic by providing that the carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their own traffic at all points where interswitching facilities are or may be provided, under the circumstances and at the tolls prescribed in the said Order; the schedule to give effect to the Order to be published and filed and to come into effect on July 1, 1918.

Authorization by General Order No. 231, dated May 6, 1918, of conditions and specifications for the carrying of wires and cables along or across the tracks of railway companies subject to the jurisdiction of the Board, also providing for the rescission of the Board's previous General Order No. 113, dated November 5, 1913.

Direction that the minimum carload weights of tan bark, when carried in box or stock cars under special commodity tariffs, be: for cars not over 30 feet 6 inches in length, inside measurement, 21,000 pounds; for cars over 30 feet 6 inches and not over 34 feet 6 inches in length, inside measurement, 23,000 pounds; for cars over 34 feet 6 inches and not over 36 feet 6 inches in length, inside measurement, 28,000 pounds.

Direction with respect to carriers whose tariffs provide for milling, malting, storage or cleaning of Western grain in transit. That with respect to all grain originally shipped prior to March 15, 1918, or the produce thereof reshipped within six months from the stop-over point, shall be entitled to the balance of the through rate existing at the time of the original shipment of the grain under the transit tariffs applicable; also making provision with respect to all wheat originally shipped on and after the 15th day of March, 1918, and for all grain other than wheat originally shipped on and after the 15th March, 1918, under the transit tariffs applicable thereto; and providing that the charge for the terminal service at the stop-over point, also the charge for the haul, if any, out of the direct line of transit, in accordance with the tariffs applicable, shall be additional in each case.

Direction that all railway companies subject to the jurisdiction of the Board provide their agents with rubber stamps reading, "Unloaded without exception except as noted ..... —and issue a bulletin requiring their agents and Conductor"
conductors to use the stamp referred to.

Direction in connection with subsection 3 of section 264 of the Railway Act to the effect that at least 85 per cent of the number of cars in each train shall be equipped as required thereby, and that when more than one engine is attached to the train that the engineer of the leading engine shall operate the brakes; and making sundry and other provisions with regard to light engines, locomotive engineers, conductors, telegraph or telephone operators, train despatchers; and providing that all railway companies shall strictly conform to the rules and regulations from time to time approved by the Master Car Builders' Association governing the loading of lumber, logs, and stone upon open cars; also making provision with regard to open drains, semaphores, signals, poles, water stand-pipes and other structures, and rescinding the Board's General Orders Nos. 22 and 65.

Provision for the protection of employees where two main line tracks parallel each other and are less than 20 feet from centre to centre.

Direction that railway companies in Canada engaged in westbound transcontinental traffic be permitted to increase their commodity rates from Eastern Canada so as to place them on at least an equality with the rates now in effect from the neighbouring states of the United States of America, such rates to become effective not earlier than the 1st August, 1918, and upon not less than five days' notice to the Board and to the shipping public.

Direction authorizing a change in Rule 1 (*c*) of the Canadian Freight Classification No. 16 so as to provide for a minimum weight for the first car in a series of platform cars.

Direction that every railway company subject to the jurisdiction of the Board be required, within six days after the head officers of the company have received information of the occurrence of an accident attended with personal injury, to give notice to the Board upon the terms set out in the order.

Direction that all railway companies subject to the Board's jurisdiction engaged in east bound transcontinental traffic be permitted to increase their commodity rates from the Pacific Coast terminals in British Columbia to destinations in Western Canada, subject as a maximum to the lowest rates now in effect from the corresponding terminals in the state of Washington on like commodities to corresponding eastern destinations.

Direction that all railway companies subject to the Board's jurisdiction be required to adopt and put into use at all grade crossings protected by watchmen during the day time, certain appliances as therein described.

Authorization of standard freight tariffs of maximum mileage tolls of certain railroads subject to the Board's jurisdiction.

Provision for the amendment of certain schedules published and filed by certain carriers increasing certain carload minimum weights to conform to Circular No. 75 of the Canadian Railway War Board, dated at Montreal, August 5, 1918.

Direction that the Canadian Pacific Railway Company supply heaters in all cars furnished for the receipt of vegetables in carloads, subject to the charges provided for in its published and filed tariff for cars so supplied and furnished; and that heaters supplied by shippers when the company is unable to comply with the provisions of the Board's Order, be returned by the railway company.

Direction amending General Train and Interlocking Rules approved by the Board's Order No. 7563, by striking out the first paragraph of Double Track Rules 35 and substituting the pragraph set out in the order.

Direction that all railway companies subject to the Board's jurisdiction operating by steam, be directed to display certain flags by day and lights by night, at certain height above rail level, as set out in the order, and that all switches leading to regular repair tracks of every railway company be locked with special locks, the keys thereof to be carried by certain responsible parties.

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Direction that the specifications for mail cars, dated May 22, 1918, submitted by the Canadian Railway Mail Service Department, as amended and corrected, be approved and adopted as the standard to be used by railway companies subject to the Board's jurisdiction.

Provision for the amendment of the Board's General Order No. 205, dated August 11, 1917, by striking out paragraph (*j*) of Rule 1861 and substituting therefor provision dealing with cylinders containing acetylene gas.

Direction that the regulations with respect to railway safety appliances approved under the Board's General Order No. 102, be amended by adding a provision with regard to uncoupling levers.

MUNICIPALITY OF BUCKLAND V. CANADIAN NORTHERN RAILWAY COMPANY.

Under an agreement with the Provincial Government of Saskatchewan, a railway bridge was erected by the respondent company over the North Saskatchewan river, with a twelve-foot roadway on each side clear of the railway track, and separated from it by a fence admitted to be safe and satisfactory for the purpose. There was no provision in the agreement for protection to vehicular traffic from trains passing over the bridge. The Board refused an application by an adjoining municipality for an order, that the respondent should provide gates and watchmen at both ends of the bridge to warn the public against approaching trains, holding that the necessity for such protection was incidental to the use of the bridge as a highway.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 2, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 13.

NORTH BAY LANDOWNERS V. CANADIAN NORTHERN ONTARIO RAILWAY COMPANY.

Where streets are crossed by the construction of a railway after an agreement is entered into with the municipality specifying the manner in which such crossings are to be made, providing that by-laws are to be passed to close portions of certain streets, and for the payment of compensation by the railway company, and an order of the Board is obtained granting permission to cross the streets upon the conditions of such agreement and providing that the railway company be responsible for any compensation which property owners affected (i.e. landowners adjacent or abutting on the streets) may be legally entitled to recover under the Railway Act and the Municipal Act, and such compensation is withheld or refused to be made by the railway company, the Board has jurisdiction to determine it or refer the matter either to a member of the Board under ss. 13, amended by 7 and 8 Edw. VII, c. 62 (C.), s. 4, or to a person appointed by the Board under s. 60 for inquiry and report, and the previous order of the Board granting permission to carry the railway across the streets should be amended accordingly. Subsequently a by-law was passed, closing the portions of such streets and an amending order became necessary.

See ss. 29 and 235, amended by 1 and 2 Geo. V, c. 22, s. 6; Holditch v. Canadian Northern Ontario Ry. Co. (1916), 1 A.C. 536, at p. 543, 20 Can. Ry. Cas. 101; Brant v. Canadian Pacific Ry. Co., 36 O.L.R. 619, 20 Can. Ry. Cas. 268, followed. Canadian Northern Ontario Ry. Co. v. Town of North Bay, 18 Can. Ry. Cas. 309, reversed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, April 24, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner McLean, 23 Can. Ry Cas. 35.

TOLLS—COMPETITION.—STERNE & SONS V. CANADIAN FREIGHT ASSOCIATION.

The respondent is justified in increasing the toll charged, through misapprehension, on asbestos cement in a plastic form, where it is in competition with stove putty used for the same purpose.

The application was for an order directing the respondent to accept and carry asbestos cement at the tolls provided for in item 3, p. 95, Canadian Freight Classification No. 16.

The facts are fully set out in the reasons for judgment of Deputy Chief Commissioner Nantel, dated May 31, 1918, concurred in by Commissioners McLean and Goodeve. 23 Can. Ry. Cas. 171.

LEMIEUX V. BELL TELEPHONE COMPANY.

It is unjust discrimination for a public utility company, whose tolls should be equalized according to the services rendered, to charge double the toll at the attended station for local calls compared with the toll at the coin-box booth, both being public telephones. The Board ordered the respondent to equalize its tolls for local calls by fixing a toll for local messages on a "two-number basis" from public telephones inside the base toll area at five cents, and outside thereof at ten cents.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 4, 1918, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Mr. Commissioner McLean. 23 Can. Ry. Cas. 141.

CRUSHED STONE, LIMITED, AND HENDERSON FARMERS' LIME AND PHOSPHATE COMPANY V. GRAND TRUNK RAILWAY COMPANY.

The jurisdiction of the Board as to tolls concerns only their reasonableness; no matter how much the development of an industry may be in the public interest, the Board is not authorized to be an arbiter of industrial or public policy and cannot strike a low toll basis, independent of its reasonableness, but carriers may in their discretion install development tolls.

British Columbia News Co. v. Express Traffic Association, 13 Can. Ry. Cas. 178; Massiah v. Canadian Pacific Ry. Co., 17 Can. Ry. Cas. 88, at p. 90; Western Retail Lumbermen's Association v. Canadian Pacific, Canadian Northern and Grand Trunk Pacific Ry. Cos., 20 Can. Ry. Cas. 155, at p. 158, followed.

Comparing the commodity mileage scale on agricultural limestone with the special commodity tolls on crushed stone, and taking into consideration that the volume of traffic of agricultural limestone to large consuming points is not comparable with crushed stone, and that the latter commodity has been granted low commodity tolls by the carriers in their discretion, it has not been established that the existing toll basis is unreasonable.

Provincial Stone and Supply Co. v. Grand Trunk Ry. Co., 22 Can. Ry. Cas. 411, at p. 413, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, June 18, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner Goodeve. 23 Can. Ry. Cas. 132.

SIDNEY BOARD OF TRADE V. GREAT NORTHERN RAILWAY COMPANY.

Under s. 315 (5) where traffic moves under substantially similar circumstances and conditions, carriers are justified in charging lower tolls to Victoria, B.C., an ocean terminal point, for the longer haul than for the shorter haul to Sidney, B.C., an intermediate point, where Victoria is, and Sidney is not, subject to competition.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 26, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 173.

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RESIDENTS OF MASSETT V. GRAND TRUNK PACIFIC STEAMSHIP COMPANY.

The Board has no jurisdiction to deal with a tariff of tolls for water borne traffic between local ports, no part of such traffic being attributable to railway traffic.

Dawson Board of Trade v. White Pass and Yukon Ry. Co., 9 Can. Ry. Cas. 190, distinguished.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 26, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 121.

ALBERTA UNITED FARMERS V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 245 the Board has no jurisdiction to direct railway companies to bear the cost of installation and maintenance of telephones in their stations, but it has jurisdiction to direct them to permit municipalities or corporations carrying on a telephone business to instal instruments without charge to the railway companies in their stations.

Peoples and Caledon Telephone Cos. v. Grand Trunk and Canadian Pacific Ry. Cos., 9 Can. Ry. Cas. 161; Province of Manitoba v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 445, followed.

The facts are fully set out in the judgment of the Assistant Chief Commisioner, June 27, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 104.

TOLLS--DELIVERY.—GRAIN GROWERS' B.C. AGENCY V. CANADIAN NORTHERN RAILWAY CO.

A carrier is bound to have a place of delivery for traffic destined to a point to which it has quoted a tariff of tolls free from the imposition of a switching toll on shipper or consignee, therefore, an order may go permitting the respondent to refund the moneys it has collected under their switching conditions at the point in question.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 169.

ABREY V. CANADIAN PACIFIC RY. CO.

Under section 254 the respondent is only obliged to maintain right-of-way fences turned into the track at each end of the bridge over the Souris river, a stream on which timber may be floated; therefore, under section 230 the respondent is prohibited from placing fences, which would amount to an obstruction, across the river.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 4, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 17.

CITY OF VANCOUVER V. VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

In a case of dispute between a municipality and a railway company over the cost of a bridge carrying a highway over a railway, of which each pays a certain proportion, where owing to the length and intricacy of the accounts it is impossible for the Board in the exercise of its jurisdiction to decide the questions at issue at an ordinary hearing, the matter was referred to a referee under section 60 to take the accounts and report to the Board what amount (if any) is due by one party to the other, the reference being at the applicant's risk as to costs.

North Bay Landowners v. Canadian Northern Railway Company. 22 Can. Ry. Cas. 35.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 9, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 123.

MCKENZIE V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Carriers will not be ordered to supply special doors for box cars, used to carry sand or gravel, as in the case of grain shipments, the circumstances and conditions (see section 317) of sand and gravel traffic being dissimilar to those of grain traffic.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commisioner Boyce. 23 Can. Ry. Cas. 99.

BRANDON SHIPPERS V. CANADIAN PACIFIC AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

An interchange track between the lines of the Canadian Pacific Railway Company and a branch line of the Grand Trunk Pacific Railway Company was ordered by the Board to be constructed at Forest, ten miles from Brandon, at the expense of the Grand Trunk Pacific Railway Company in order to give Brandon a connection with the latter railway.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 28.

BIENFAIT COMMERCIAL COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

Where an industrial spur is built in the interests of commerce at the expense of the industry to be served, the entire cost both of construction and maintenance should be borne by such industry.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 10, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 62.

MONTREAL AND SOUTHERN COUNTIES RAILWAY COMPANY V. TOWNS OF GREENFIELD PARK, ET AL.

Agreements between municipalities and a railway company do not oust the jurisdiction of the Dominion Parliament and the Board in their administration of the Railway Act and in the fixing of tolls. Inasmuch as the agreements in question have not been validated by legislation and submitted to or approved by the Board, and in view of the greatly increased costs of transportation, the Board finds the increased tolls desired by the applicant to be just and reasonable.

In re Increase in Passenger and Freight Tolls (Increase in Rate Case), 22 Can. Ry Cas. 49, Lyons Fuel and Supply Co. v. Algoma Central Ry. Co., 23 Can. Ry. Cas. 146, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 10, 1918, concurred in by the Deputy Chief Commissioner and Commissioner Goodeve. 23 Can. Ry. Cas. 106.

TOLLS—CARS.—PLUNKETT & SAVAGE V. CANADIAN PACIFIC RAILWAY COMPANY.

Where the toll from the point of shipment to destination provided for a heated refrigerator car, and the transportation of a messenger, a charge made by the carrier for supplying additional heaters is not covered by the tariff of tolls, is illegal, and refund should be allowed.

The application was for an order directing the respondent not to charge an additional heater toll of $22.50 per car from Minneapolis to Calgary, on five carload lots of bananas ex New Orleans.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 11, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 178.

SESSIONAL PAPER No. 20c

CITY OF PORT ARTHUR V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Where a subway was built under railway tracks in a public park, to which the railway was senior, to give access between the portions lying north and south of the railway, of which the entire cost was borne by the municipality except the superstructure (borne by the railway company), and the municipality having given the land on which to lay tracks to serve elevators south of the railway, of which six were to be built immediately south of the railway main line, applied for a subway under such six tracks, the senior and junior rule does not apply, and the cost of the work will be divided equally between the municipality and the railway companies interested.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 89.

HAMILTON RADIAL ELECTRIC CO. V. CITY OF HAMILTON, ET AL.

Where, under the Act of Incorporation of a railway company, municipalities are given power to enter into franchise agreements and pass franchise by-laws and by special Act, 7 and 8 Edward VII, chapter 117 (G), declaring such railway to be a work for the general advantage of Canada, it was enacted that the provisions of any municipal by-law relating to the company, or agreement between it and any municipality were not to be affected, the company is bound by them, and the Board has no power to increase the tolls contrary to the terms of such agreements and by-laws.

Increase in Rates Case, 22 Can. Ry. Cas. 49, at pp. 57-60, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 114.

TOLLS—INCREASE.—TWIN CITY COAL CO. ET AL V. CANADIAN PACIFIC, CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

In the decision of the Board in the 15 per cent Increased Rates Case, 22 Can. Ry. Cas. 49, allowing an increase on coal of 15 cents per ton, there is no separate toll for slack coal and no distinction can be made in the tolls on slack, lump, or run of the mine coal.

The application was for an order directing the respondents to reduce their tolls on slack coal to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 17, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 181.

GREAT WEST, BYERS MINE COAL COMPANIES AND EDMONTON COLLIERIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

Where tolls are blanketed, a too rigid adherence to a mileage basis, thereby giving a sudden break in the middle of a coal shipping area between coal mines competing with each other in a common market, is undesirable.

Galbraith Coal Co. v. Canadian Pacific Ry. Co., 10 Can. Ry. Cas. 325, followed.

The application was for an order directing the respondent to reduce the toll on coal from the Great West Spur to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 18, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 175.

BEVERLY COAL MINE AND HUMBERSTONE COAL COMPANIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

A spur line constructed under the provisions of section 222 does not become part of the railway from whose line it is built under the provisions of an agreement with the owner providing that the railway company furnish the rails, ties and fastenings, which remain their property, and the owner provides the right of way, even if no reference is made to such agreement in the Board's order authorizing the construction of the spur, and the Board has no jurisdiction to authorize an adjoining owner to use such spur.

Blackwoods Manitoba Brewing & Malting Co. v. Canadian Northern Ry. Co. and City of Winnipeg, 44 S.C.R. 92, 12 Can. Ry. Cas. 45; Clover Bar Coal Co. v. Humberstone, Grand Trunk Pacific Ry. and Clover Bar Sand & Gravel Cos., 45 S.C.R. 346, 13 Can. Ry. Cas. 162; Boland v. Grand Trunk Ry. Co., 18 Can. Ry. Cas. 60; Kammerer v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 74, followed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 31, 1918, the Assistant Chief Commissioner dissenting, 23 Can. Ry. Cas. 64.

APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1919, there were two appeals made to the Governor in Council, and five appeals to the Supreme Court of Canada from the decisions of the Board.

With reference to the appeals made to the Governor in Council, one appeal was that of the town of St. Lambert, in the province of Quebec, against a decision of the Board authorizing an increase in freight rates of the Montreal & Southern Counties Railway Company by 15 per cent and an increase in its standard maximum passenger rate so as not to exceed 2·875 cents a mile. The appeal was dismissed by Order in Council, P.C. 2518, on October 15, 1918.

The other appeal was that of the city of Hamilton, Ont., against certain orders of the Board authorizing the expropriation by the Toronto, Hamilton & Buffalo Railway of certain lands in the city of Hamilton for the purpose of making an extension to the Kinnear freight yards in that city. On January 30, 1919, the Governor in Council issued an order that as the circumstances under which the Board's orders were issued have been materially altered by the signing of the armistice, the matter should be referred back to the Board for reconsideration of its said orders and for any further action which under the existing conditions the Board might deem advisable.

With reference to the appeals to the Supreme Court of Canada referred to, the first was that of the Esquimalt and Nanaimo Railway Company in connection with the application of the municipal council of the city of Victoria and of the Attorney General of the province of British Columbia for a declaration by the Board as to the rights of the city to have access over the Esquimalt and Nanaimo Railway Company's bridge across a portion of the Victoria harbour, this latter application having been refused by the Board. The appeal is still pending, no action having been taken other than the service of notice of appeal to the Supreme Court.

The second appeal was that of the municipality of Burnaby from an order of the Board, dated November 19, 1918, authorizing the British Columbia Electric Railway Company to increase the commutation fares for the carrying of passengers between points on the Vancouver and Fraser Valley Railway as covered by a certain tariff, and permitting the increases covered to become effective on December 1, 1918. The appeal is still pending.

The third appeal was that of the city of Toronto, Ont., on a question of law involved, from an order of the Board dated January 31, 1919, authorizing the Toronto

Terminals Railway Company to lay and maintain conduits across certain streets in the city of Toronto subject to certain conditions set forth in the Board's order. The appeal is still pending.

The fourth appeal was that of Mr. F. W. Wegenast, of the town of Brampton, Ont., on a question of law, against judgment of the Board dismissing his application for an order directing the Grand Trunk Railway Company to issue to him a fifty-five trip ticket for use between Brampton and Toronto similar to those in use between Oakville and Toronto, and at the same rate. The appeal is still pending.

The fifth appeal was that of the Ottawa Electric Railway Company, on a question of jurisdiction, from certain orders of the Board disallowing the company's proposed increase in passenger rates. The appeal is still pending.

A list of the appeals from the Board's decisions to the Supreme Court of Canada, since its inception, will be found under Appendix "E" of this report.

ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued for the year ending March 31, 1919, was 1,100. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, for the year was 16. The general orders as distinguished from other orders issued by the Board, are those affecting all railway companies subject to the Board's jurisdiction. It will be noted that the number of general orders issued by the Board for the year ending March 31, 1919, was 38, as compared with 22 for the previous year.

A list of the general orders and circulars for the year ending March 31, 1919, will be found compiled under Appendix "F" to this report.

JUDGMENTS OF THE BOARD.

A summary of the principal Judgments of the Board delivered between the 1st of April, 1918, and the 31st of March, 1919, will be found under Appendix "A."

APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the Board, for the year ending March 31, 1919, was 3,326.

TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the year ending March 31, 1919, was as follows:—

Freight tariffs including supplements	27,570
Passenger tariffs including supplements	15,701
Express tariffs including supplements	8,878
Telephone tariffs including supplements	3,600
Sleeping and parlour car tariffs including supplements	199
Telegraph tariffs and supplements	19

This makes a total of 56,967 for the year, as compared with a previous total for the year ending March 31, 1918, of 64,056. The total number of tariffs filed from February 1, 1904, to March 31, 1919, was 840,623.

The details in regard to the tariffs will be found under Appendix "B" to this report.

ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending March 31, 1919, number 179, and cover inspections for the opening of railways for the carriage of traffic, pursuant to the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix "C" will be found a full and detailed report of the Chief Operating Officer of the Board.

ACCIDENTS AND ACCIDENT INVESTIGATIONS.

On reference to the report of the Board's Chief Operating Officer it will be noted from the comparative statement given of killed and injured that the number of accidents among passengers carried and employees, as compared with the year 1917-18, shows a decrease with regard to the number of killed, and a small decrease with regard to the number injured. It might also be noted here that the previous year of 1916-17 showed a marked decrease in regard to the number killed.

With regard to trespassers on the railway, there is a decrease in the number killed, the number killed during the year 1917-18 being 93 as compared with 77 for the year 1918-19. The number injured shows, on the contrary, a marked increase, being 102 in 1918-19 as compared with 64 in the year 1917-18.

The number of passengers killed and injured for the year ending the 31st March, 1919, was 230, a decrease of 134. The total number of employees killed and injured for the year 1918-19 was 1,461, an increase of 104 as compared with the year 1917-18. It will be noted, however, in this connection that the number of employees killed showed a decrease of 20 for the year 1918-19 as compared with the previous year. In this connection it will be noted by reference to the table given below that the total number of passengers carried on railways shows a decided decrease and the number of employees with railways also shows a marked decrease, and these facts must be taken in connection with the 1,691 in the total number of killed and injured.

Attention is again directed to the comparative statements (numbers 14 and 15) of the Chief Operating Officer setting forth in detail the situation as affecting highway crossing accidents during the years 1915 to 1919 inclusive. It will be observed on reference thereto that there has been a total of 632 accidents, covering 260 persons killed and 613 persons injured. There have been 161 accidents at protected crossings, covering 68 persons killed and 156 persons injured, and at unprotected crossings there have been 471 accidents, covering 192 persons killed and 457 persons injured.

In the year 1918-19 there were 142 highway crossing accidents, covering 41 killed and 162 injured. At protected crossings there were accidents numbering 44 in which 14 persons were killed and 47 injured. Unprotected crossings accounted for 98 accidents with 27 persons killed and 115 injured. Included in the above figures are automobile accidents to the number of 66, covering 18 persons killed and 102 injured.

Unprotected crossings accounted for 49 accidents wherein 11 persons were killed and 78 injured. Protected crossings accounted for 17 accidents with 7 persons killed and 24 injured. While these figures show an increase over the automobile accidents for the year 1917-18, which numbered 54, it is not practicable, in the absence of definite statistics as to comparative volume of automobile traffic, to make an accurate comparison with previous years. It may be assumed, however, that there has been a considerable increase in the use of automobiles particularly in the rural communities and this no doubt in a large measure accounts for the increase in the number of accidents. The matter of protection in this regard is receiving careful consideration at the hands of the Board, through its Operating Department, as to the best method of protection at highway crossings where the same are used extensively for automobile traffic.

The two immediate foregoing paragraphs indicate the fact that there are many instances where the public disregard is evidenced in respect to protective appliances by persons passing under gates or going around them, or paying very little attention to the alarm given by automatic signal or watchmen.

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers carried and employees with railways are for the year ending June 30, 1918, the last figures available, and are taken from the railway statistics of the Dominion of Canada, published by the Department of Railways and Canals:—

Passengers—	
Number of passengers carried on railways	50,737,294
" " killed	28
" " injured	202
Employees—	
Number of employees with railways	143,493
" " killed	117
" " injured	1,344
Trespassers—	
Number of trespassers killed	77
29 per cent of trespassers killed to total of 264.	

It will be observed that of what may be termed preventable loss there were 77 killed under the heading of trespassers, and 102 injured, and that this is a reduction of 16 in the number killed and an increase of 38 in the number injured from the year 1917-18.

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1919:—

Province—	Killed.	Injured.
Ontario	41	58
Quebec	19	23
Manitoba	3	4
Saskatchewan	6	1
Alberta	3	4
British Columbia	5	7
Nova Scotia	....	2
New Brunswick	....	3
Yukon	....	
Total	77	102

FIRE INSPECTION DEPARTMENT OF THE BOARD.

The policy of the Fire Inspection Department of the Board of co-operation with the various federal and provincial fire protective organizations has been carried out as in previous years.

A total of 1,144 fires from all causes were reported as originating within 300 feet of railway lines in forest sections, subject to the jurisdiction of the Board. This is an increase of 47 fires over the figures for the preceding year. Of these fires, 468 were of an incipient nature and did no damage. Seventy-eight per cent are definitely attributed to railways, seven per cent to known causes other than railways, and fifteen per cent to unknown causes. A total area of 64,591 acres were burned over. Eighty-nine per cent of this area was burned over by fires definitely attributed to railways, three per cent by fires due to known causes other than railways, and eight per cent to fires of unknown origin.

The total damage by all these fires is estimated at $102,416; of this, the railways are charged with sixty-six per cent, while twenty-six per cent is charged to known causes other than railways, and eight per cent to unknown causes. The aggregate monetary damage due to fires is $3,252 less than in 1917.

Under Appendix "D" will be found a full and detailed report of the Chief Fire Inspector of the Board.

ROUTINE WORK OF THE BOARD.

SECRETARY'S DEPARTMENT.

Since the publication of the last annual report the only change that has taken place in the personnel of this department is the transfer of Mr. J. Timmins, clerk and stenographer, to the staff of the Operating Department of the Board. The Board has not deemed it necessary to fill the vacancy caused by the transfer of Mr. Timmins.

RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications, filings and letters received during the year ending March 31, 1919, together with the number of orders issued:—

Number of	applications made	3,326
"	filings received during the year	32,420
"	outgoing letters during the year	27,700
"	orders issued during the year	1,100

STATEMENT showing the applications made to the Board under the various sections of the Railway Act, for the fiscal year ending March 31, 1919.

Sections of Railway Act.	1918									1919			Totals.
	Apr.	May	June	July	Aug .	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
Rescinding of Orders, Sec. 29		4	5	5	5	3	7	6	5	3	6	3	52
Extension of time, Sec. 50	5	13	5	4	6	3	5	8	6	1	1	1	58
Location of line, Sec. 157–168	1		1		1						1	1	5
Route Map, Sec. 157		1											1
Railway as constructed, Sec. 164	2	2	1	2					1	3			11
Deviation of line, Sec. 167	3	32			1	1		2	1		1	1	42
Mines and Minerals, Sec. 169–171					1				1				2
Expropriation of lands, Sec. 172–191			2		4	2	2		1				11
Appeals from decisions of Board					1	2			2			3	8
Compensation for damage, Sec. 192–214		2											2
Branch Lines, Sec. 221–226	16	23	25	29	14	25	19	24	25	28	10	16	254
Railway Crossings and Junctions, Sec. 227–229	1	1	3		1				2	1	3	2	14
Interlocking Appliances, Sec. 227	2	1	2	1	2			2	1		2		13
Highway Crossings, Sec. 235–243	7	6	17	14	18	20	20	9	10	27	6	9	163
Highway Diversion, Sec. 237	3	1	1	3	3	5	3	3		2		3	27
Protection at crossings, Sec. 243	3	15	5	4	6	6	8	20	21	9	16	2	115
Telegraph and Telephone lines, Sec. 244						3				1			4
" " Connections, Sec. 245		1						1			1	1	4
Telephone Wire Crossings, Sec 245							1			1			2
Power Wire Crossings, Sec. 246	2				3							1	6
Telephone Agreements, Sec. 248	4	3	6	4	4	4	4	7	5	6	8	1	56
Water Pipes, Sec. 250					1					2			3
Sewer Pipes, Sec. 250	2		2	4	1	4	2		3				18
Culverts, Sec. 250			3	1		1		2				1	8
Farm Crossings, Sec. 252–253	2		2	1	1	4		1	1			1	13
Cattleguards, Sec. 254–255							1						1
Fencing of right of way, Sec. 254	1	1	4	2	2	1				1	1	4	17
Construction, Navigable Waters, Sec. 233	1					1							2
Bridges, Sec. 256–257	6	5	2	6	8	6	4	4	19	5	3	13	81
Tunnels, Sec. 256–257	1	1	1										3
Stat ons, Sec. 258	8	2	1	4	4	1	1	1	1	6	6	7	42
Condition of Stations, Sec. 258			1				2						3
Station Accommodation and Agents	16	13	6	10	9	6	3	7	8	6	9	12	105
Opening of Railway, Sec. 261		3		4	2	1	1	1				2	14
Condition of Railway, Sec. 262	4	4	9	5	4	11	4	5		5	4	3	58
Rolling Stock, 264–268	1	3	1			2						2	9
Train service	5	8	3	4	2	4	11	3	9	10	5	7	71

STATEMENT showing the applications made to the Board under the various sections of the Railway Act, for the fiscal year ending March 31, 1919.—*Continued.*

Sections of Railway Act.	1918									1919			Totals.
	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
													0
Working of trains, Sec. 269	6	3	2	3	3	4	2	15	6	4	.....	2	5
Obstruction to Traffic, Sec. 279	1	.....	.....	.....	.....	1	.....	.....	.....	1	.....	.....	3
Accommodation for traffic, Sec. 284	5	4	14	8	7	10	8	14	2	7	5	4	88
Accident reports, Sec. 292–293	18	16	12	12	22	12	27	23	27	36	26	30	261
By-laws *re* Tolls, Sec. 314	1	7	1	1	.....	.....	.....	.....	1	.....	1	.....	12
Interswitching, Sec. 317 and 334	3	1	1	.....	2	1	.....	3	.....	.....	4	4	19
Freight Classification, Sec. 321	1	1	.....	1	.....	1	1	3	.....	.....	.....	1	9
Disallowance of tariffs, Sec. 323	.....	1	.....	4	.....	.....	.....	8	.....	1	3	3	20
Standard Freight Tariffs, Sec. 327	1	1	2	1	1	1	.....	.....	.....	3	1	.....	11
Standard Passenger Tariffs, Sec. 331	4	2	1	.....	1	1	.....	1	.....	1	.....	.....	11
Local Freight Tariffs	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Adjustment in rates	10	2	7	4	8	4	5	5	3	2	9	8	67
Special tariffs, Sec. 329–332	1	1	.....	.....	.....	5	.....	.....	2	5	5	1	20
Joint Tariffs, Sec. 335	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....	1	3
Provisions for Carriage, Sec. 340–342	1	2	1	.....	.....	.....	.....	.....	.....	2	.....	3	9
Express Tolls, Sec. 348–354	.....	.....	.....	1	.....	.....	.....	1	1	.....	.....	1	4
Carriage by Express, Sec. 352	3	5	2	1	.....	.....	4	1	1	2	2	1	22
Telephone Tolls, Sec. 355–360	1	.....	.....	.....	1	.....	2	2	2	.....	3	.....	11
Amalgamation Agreements, Sec. 361–363	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....	.....	2
Traffic Agreement, Sec. 364	.....	1	.....	.....	.....	1	1	.....	.....	.....	.....	1	4
Enquiries	18	17	9	17	11	13	15	11	8	13	15	17	164
Complaints	95	91	76	72	95	77	78	122	105	92	61	85	1050
Miscellaneous	15	7	18	9	12	6	12	20	21	34	11	21	186
Totals	281	308	254	241	267	255	253	335	301	322	229	280	3326

APPENDIX A.

COMPLAINT OF RETAIL MERCHANTS' ASSOCIATION OF CANADA, PROVINCIAL COAL SECTION OF ONTARIO, PER H. A. HARRINGTON, TORONTO, ONT., REGARDING CANADIAN PACIFIC RAILWAY INTERSWITCHING CHARGES OR TARIFFS AND ARBITRARY CHARGE FOR PLACING OF CARS NOT DIRECTLY CONSIGNED.

CONSIDERATION OF FURTHER SUBMISSIONS OF THE CANADIAN MANUFACTURERS' ASSOCIATION, THE TORONTO BOARD OF TRADE, AND MR. ROBIN BOYLE, REPRESENTING THE SHIPPERS OF CRUSHED STONE, WITH RESPECT TO RESOLUTION NO. 1A OF THE CONVENTION OF COAL DEALERS OF ONTARIO PRESENTED BY MR. H. A. HARRINGTON, TORONTO, AND HEARD AT TORONTO, APRIL 13, 1917. FILE 6713.135.

Synopsis of Judgment, Commissioner McLean, dated March 22, 1918, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve:—

The application was launched in a series of resolutions as follows:—

Resolution No. 1-A requested suspension of the Canadian Pacific tariff providing that cars consigned to one terminal but required at another terminal, although within the corporate limits of the city of Toronto, should be subject to a charge ranging from $3 to $5 per car.

Resolution No. 2 requested that the railways be required to place cars on which placement orders had been given, customs passed and charges paid, within twenty-four hours, and be subject to a charge for delay in placing beyond that time. This amounted to an application for reciprocal demurrage on which the Board, when approving the Code of Car Demurrage Rules, file 1700, stated that it was a question on which they would not, at that time, give a ruling.

Resolution No. 3 requested that where the break-up yard was within the corporate limits of adjoining cities or towns, all private sidings abutting thereon should be considered as a part of the break-up yard and that no charge should be made for placing on such siding. While this resolution is in general terms, it developed at the first hearing that the real complaint was against an extra switching charge from West Toronto to Lambton. This matter was adjusted by the railways by the elimination of Lambton station and the treatment of sidings in that district as a part of West Toronto yard.

Resolution No. 4 requested that where cars were consigned to a terminal, the consignee should be entitled to have such car or cars placed on any private or public siding within the corporate limits of the city or town within which terminal was situated without extra charge. This resolution resolved itself into a complaint of overcharge of the Grand Trunk for switching coal, ex Canadian Pacific Railway, to the York yard. The charges have been investigated and it was found that they were in accordance with the company's tariffs lawfully on file.

The movement in question is outside of the four-mile limit of the General Interswitching Order.

This disposes of the complaint with the exception of Resolution No. 1-A.

Formerly the Canadian Pacific treated West Toronto as a break-up yard and cars consigned to Toronto were sent to this yard when consignee was allowed twenty-four hours after notice of arrival within which to give his orders for one free placement

within the yard limits of the original destination for unloading, or one free reconsignment for unloading within the yard limits of another of the group of Toronto terminals. This arrangement was satisfactory to the coal trade, as the cars were consigned simply to Toronto, and the railway's practice had been to hold in West Toronto yard for placement orders.

Under the new tariff of the Canadian Pacific Railway C.R.C. No. E-2646, as amended by Supplement No. 54, the consignee is required to consign his cars to one of the terminals and if required at another terminal he must pay the reconsignment charge.

The Canadian Pacific Railway claim that the purpose of the West Toronto yard is to break up and marshal trains, and that it is sufficient for no other purpose, and that in order to relieve the congestion it was necessary to make the arrangement referred to.

Complainants claim that owing to transit delays it is practically impossible to anticipate the arrival of cars with the result that the original consignee has supplied himself elsewhere and it is necessary to deliver to other consignees who may be located at a different terminal.

In so far as the Grand Trunk is concerned all eastbound freight is held at Mimico and westbound freight at York until advice is received from consignee as to where he wishes the car placed. The first placing is made without charge.

Prior to the Canadian Pacific tariff above referred to the practice of the Canadian Pacific was the same at West Toronto.

In the complaint of A. H. Mayland, of Calgary, v. C.P.R. file 25939.1, the Board by its Order No. 24714 of February 9, 1916, directed that the complaint of the additional charge for diversion at the terminal point should be dismissed, the charge concerned having been established as justifiable.

It developed that the practice of the Grand Trunk and Canadian Northern was not to make a charge when the point of diversion was within the same group of terminals. The Canadian Pacific Railway Company was asked to justify its practice, and the company stated that the charge was justified under the Board's Order No. 6901, it being contended that a car consigned to Montreal, under the Canadian Pacific Railway's practice, was consigned to a specific station, namely, Place Viger, and that if on its arrival at this point the railway was asked to place it at Outremont, Jacques Cartier, Mile End, or any other station within the municipality of Montreal, this would be a diversion under the order.

The following opinion was expressed in memorandum of Mr. Commissioner Goodeve on which the order was issued:—

> "It is clear from the evidence that if an attempt were made in large cities, such as Montreal, to have one general point to which all carload traffic would be consigned, there to be held until directions were given to place on a specific siding, it would involve great confusion and delay, resulting in a loss to the shippers, and it would be impracticable to carry it out owing to the very large amount of space that would be necessary to obtain sufficient yardage."

While the system of separate freight terminals in Montreal has been approved, the decision, while inferentially bearing on the Toronto situation, is not conclusive in respect of Toronto.

The matter being one of operating conditions, the Board's Operating Department investigated the matter and reported as follows:—

> "The Canadian Pacific Railway have divided the terminals into groups, and they ask their shippers to bill to the central yard in each group. Any reconsignment from one group to another is charged for according to their

tariffs. I find that this is the best principle to work on in a terminal the size of the city of Toronto and has an advantage over the Grand Trunk method, and that there should be less delay to freight because more of it will get to its final destination without the sorting yard 'hold-up' that necessarily follows on the Grand Trunk."

It being justifiable from an operating standpoint to have distinct terminals, said subdivisions being in aid of and facilitating the movement, it follows that the provisions as to reconsignment complained of are provisions properly applicable.

COMPLAINT OF THE BOARD OF TRADE OF NANAIMO, B.C., AGAINST THE WITHDRAWAL OF THE PACIFIC COAST TERMINAL RATES TO NANAIMO AND THE SUBSTITUTION OF AN ARBITRARY OVER THE VANCOUVER RATES; AND THE ORDER OF THE BOARD NO. 24885, DATED MARCH 16, 1916, DISMISSING THE COMPLAINT.

The complaint here was made by the Nanaimo Board of Trade. It concerns the Canadian Pacific Railway Company's tariff which eliminated Nanaimo, B.C., as a terminal freight point. The question as to terminal rates was dealt with by Commissioner (now Assistant Chief Commissioner) McLean on the original application, in which the view was expressed that railways may or may not meet water competition or competition in any form; that this was a matter for the company to decide, and that the Board, having no power to compel a company to meet water competition, has no power to compel it to install a terminal rate, nor power to compel it to continue a terminal rate which the railway company had already established and desired to take out.

The Chief Commissioner, Sir Henry Drayton, in dealing with the present application, accepts this disposition of the case so far as it related to terminal rates, merely adding that the company's untrammelled right to meet or to disregard competition is subject to the qualification that, having elected to meet competition at any point on its system in a district where similar operating and traffic conditions obtain, the competitive rate should be extended to such other points in the common district. The conditions here, however, are dissimilar. The water movement into Namaimo is very small as compared with the water movement into Victoria.

Besides, however, the question of terminal rates, the further questions of the length of rail haul and discrimination or no discrimination were raised, which rest on the question whether or not Ladysmith or Esquimalt was the terminal facility used by the Canadian Pacific Railway. It appears that the grid, or wharf, at Ladysmith was owned by a coal company, which it, however, permitted the Canadian Pacific Railway to use, but that the coal company was connected with the Canadian Northern interests, and that the Ladysmith facilities were being abandoned by the Canadian Pacific Railway, which ran its car ferry to Esquimalt. The Canadian Pacific Railway's contention was that the connection at Ladysmith was practically in the hands of its competitor, the Canadian Northern, and that because of this fact and because of tidal conditions Esquimalt was decided on as the proper place to establish its transfer facilities; that it would be absurd to base any rate on a transfer which might be taken away from the company at any time, and that, in fact, a very small amount of money and very little traffic was involved in the application.

It was admitted that the Ladysmith transfer was closer to Nanaimo and the water distance less to Ladysmith than to Esquimalt, but it was urged on behalf of the company that the question of mileage distance on water-borne traffic was not a material one.

The movement of commodities such as flour, mill feed, and oats is covered by a tariff which gives Nanaimo exactly the same rate as Victoria. The company's mileage tariff, however, differentiates on hay and other commodities between Nanaimo

and Vancouver. Under this tariff, Victoria has a mileage of 90·7, while Nanaimo pays on a mileage of 155·8 over Vancouver. Obviously, the Ladysmith movement to Nanaimo could be made with less cost than the movement through Esquimalt.

The Chief Commissioner, in his judgment of March 25, 1918, concurred in by Commissioner Goodeve, says:—

> "I think that the parties would be treated justly by setting one situation off against the other, and treating Ladysmith and Esquimalt on the same basis.
>
> "As matters now stand, it is perfectly clear that the Railway Company has open to it two routes to Nanaimo—the one involving a shorter rail mileage and, therefore, a more economical movement than the other. It is the duty of the company, under such circumstances, in the interests of the shipper, to take the shorter, more direct, and more economical movement; but, under the present tariff situation, the whole of the economy is obtained by the company.
>
> "Ladysmith's mileage given in the company's tariff is 141·7 miles from Vancouver. In my opinion, that mileage ought to be reduced to the Esquimalt mileage of 87, as long as the Ladysmith transfer can be used by the company, the mileage of stations which ought to be served by the Ladysmith Transfer rather than the Esquimalt Transfer, having regard to the shorter rail movement, should be reduced to 87 miles, plus the mileage from Ladysmith to destination. Under these circumstances the mileage to Nanaimo will be reduced from 155·8 to 101 miles."

Undue discrimination, in the opinion of the Board, was not shown, and the application, therefore, dismissed. This action, however, not to prejudice a further consideration of the application as and when traffic conditions may justify it. 23 Can. Ry. Cas. 92.

MUNICIPALITY OF BUCKLAND V. CANADIAN NORTHERN RAILWAY.

Under an agreement with the Provincial Government of Saskatchewan, a railway bridge was erected by the respondent company over the North Saskatchewan river, with a twelve-foot roadway on each side clear of the railway track, and separated from it by a fence admitted to be safe and satisfactory for the purpose. There was no provision in the agreement for protection to vehicular traffic from trains passing over the bridge. The Board refused an application by an adjoining municipality for an order, that the respondent should provide gates and watchmen at both ends of the bridge to warn the public against approaching trains, holding that the necessity for such protection was incidental to the use of the bridge as a highway.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 2, 1918, concurred in by the Assistant Chief Commissioner, 23 Can. Ry. Cas. 13.

In re COMPLAINT OF THE SWIFT CANADIAN COMPANY, LIMITED, AGAINST FREIGHT CHARGES AND REFUSAL OF RAILWAY COMPANIES TO MAKE ALLOWANCE ON BOX CARS.

This was a complaint of the Swift Canadian Company, Limited, of Winnipeg, Man., against freight charges and the refusal of railway companies to make allowance on box cars used in cases where the said railway companies were unable to furnish stock cars at the St. Boniface stock yards for service to the plant of the complainant company.

The complaint is concerned entirely with the Canadian Pacific Company's local movement from the Union Stock Yards at St. Boniface to the Swift Canadian Company's packing-house on the east side of the Red River in the district known as Elmwood.

Supplement 1, effective May 21, 1917, to Canadian Pacific Railway Switching Tariff C.R.C. No. W. 2251, of April 17, 1917 (both in effect when the hearing was held, although Mr. Ingram's quotations were from the previous tariff), shows a rate of 1 cent per 100 pounds, minimum $5 per car, on live stock from the Union Stock Yards to abattoirs situated on Canadian Pacific Railway tracks and Canadian Pacific Railway stock yards at Winnipeg. It is obvious that what is really meant is a flat $5 per car rate, since no carload of stock would weigh 50,000 pounds.

If stock cars are not available and box cars are substituted, the railway agent must have some unit of measurement in order to prevent more animals being shipped than could have been loaded in stock cars for the same charge; hence the provision in the Company's Special Tariff of Rules and Regulations, C.R.C. No. W. 2139, quoted by Mr. Ingram, as follows:—

> "Whenever through shortage of stock cars for carload shipments of cattle and horses, the Car Service Department finds it accessory to supply box cars in lieu thereof, a sufficient number of box cars may be supplied to furnish carrying capacity equivalent to the number of stock cars ordered, at the minimum weights for stock cars required, actual weight if greater.
>
> "In applying above authority, agents will use following scale as maximum carrying capacity of stock cars and draw waybill for each stock carload accordingly:—
>
> "*Cattle*—Beef cattle, 18 head. Yearlings, 35 head. Two-year olds, 26 head. Mixed cars of cattle of different ages (including cows), 22 head.
>
> "*Horses*—Heavy, 17 head; medium, 19 head; light, 22 head.
>
> "Box cars in accordance with above will only be supplied on specific authority of the Car Service Department, reference to which will be noted on waybills.
>
> "Agents must show clearly on waybills what cars were ordered by shippers and what cars supplied, such as—'One stock car ordered, two box cars supplied.'"

The arrangement above set out as to equivalent carrying capacity is stated by the railway to have been in operation for some twenty years, under an arrangement with western live stock shippers.

During a period extending from October 26 to November 4, and owing to the inability of the railway to supply live stock cars for the intra-terminal movement concerned, the applicant had to use 71 box cars in the movement of cattle.

Held, Mr. Commissioner McLean, in his judgment, April 3, 1918, concurred in by Chief Commissioner Drayton, that the tariff under which application was made was explicit as to the 18 head basis; that had the Board been of the opinion that 15 head was the proper basis on a switching movement, then this could only have been a direction for amendment of tariff as to the future. Held, further, that the Board could not have it made retroactive. As the tariff no longer permits as to switching movements—what is involved is the complaint—there is nothing on which to rule in connection with the application as launched.

In re SENIORITY MIDLAND RAILWAY COMPANY AND GRAND TRUNK PACIFIC CROSSING IN THE PARISH OF ST. BONIFACE.

The Midland Railway Company, incorporated by the Legislature of the Province of Manitoba, applied to the Board for an order determining which railway company was senior at a crossing of the tracks of the applicant company over the tracks of the Grand Trunk Pacific on block 2, parish lot 56, in the parish of St. Boniface, Man.

Held, Mr. Commissioner McLean in his judgment, dated April 25, 1918, concurred in by Mr. Commissioner Boyce (dissented to by Assistant Chief Commissioner Scott in his judgment, April 4, 1917), that the location plan approved in 1906, involving as it did an intersection of the subsequently approved and constructed Grand Trunk Pacific line, did not give the Midland Railway rights of seniority as to the whole block of land involved. Held, further, that whatever rights of seniority were conferred by the priority of its location plan of 1906 these were in respect of the specific right of way involved in the approval. Held, further, that the Midland Railway cannot, on abandoning this location, impute these rights to a right of way approved subsequently to the construction by the Grand Trunk Pacific across the land embraced in such later approved right of way.

City of Edmonton v. Calgary and Edmonton Ry. 18 Can. Ry. Cas. 420, and City of Edmonton v. Calgary and Edmonton Ry. Co. 53 S.C.R. 406, followed.

The Mildand Railway Company, incorporated by the Legislature of the Province of Manitoba, applied to the Board for a determination of the question as to which railway company was senior at a crossing of the tracks of the applicant company over the tracks of the Grand Trunk Pacific on block 2, parish lot 56, in the parish of St. Boniface, province of Manitoba.

The steps taken by the railway companies which have any bearing on the question of seniority at the crossing may be best set out in their chronological order.

The Midland Railway Company purchased block 2, parish lot 56, St. Boniface, in 1905; and, title thereto was vested in the company on the 5th of October, 1906, by a certificate of title under the provisions of the Real Property Act of the province of Manitoba. This block is nearly 600 feet long and 300 feet wide. Block 2 and adjoining property, also of a width considerably in excess of the ordinary width of the right of way of a railway was acquired by the Midland Company for the purposes of its railway, it being suitable for yards and station grounds. A plan showing the approved location of the Midland Railway on a 100-foot strip of land through the west end of block 2 was registered in the Winnipeg Land Titles Office on the 3rd May, 1906.

The location of the Grand Trunk Pacific Railway through block 2 and over the approved location of the Midland Railway was approved by order of this Board, No. 3507, dated 15th August, 1907. The application for this approval was made and the order issued without notice to or the actual knowledge of the Midland Railway.

The approved location of the Grand Trunk Pacific was deposited in the Land Titles Office, August 20, 1907. The Grand Trunk Pacific Railway was built through block 2 in 1908 without notice to or the knowledge of the Midland Railway. Upon the matter being brought to the attention of Mr. B. B. Kelliher, then Chief Engineer of the Grand Trunk Pacific, he wrote Mr. A. H. Hogeland, Chief Engineer of the Midland Railway, on January 29, 1909, in part as follows:—

"I would like you to understand that it was by no means intentional that we went ahead and constructed our line over the property of the Great Northern (Midland Railway) without first endeavouring to acquire the right of way in the usual way and respect the wishes of your Company in that matter.

"You will see from attached blue print the actual conditions. We have installed a new interlocking plant at that point and have made provisions for the levers necessary to include your line when you construct it."

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In 1911 the Midland Railway decided not to construct its railway on the location through block 2, as shown on the location plan deposited in the Land Titles Office in 1906, but on a location through the same block 2 but some distance to the east of the original location of 1906. A plan of the new location through block 2 and over the Grand Trunk Pacific tracks was duly approved by the provincial authorities and deposited in the Land Titles Office on August 10, 1911.

By Order No. 14996, dated 15th September, 1911, this Board authorized the Midland Railway Company to join its tracks with the tracks of the Canadian Northern Railway Company and cross the tracks of the Grand Trunk Pacific Railway Company on block 2, as shown on the location plan of the Midland Railway deposited in the Land Titles Office on August 10, 1911.

The Grand Trunk Pacific Railway has from time to time offered to purchase a right of way for its railway through block 2, from the Midland Railway Company, but no agreement has ever been reached.

Subject to the effect, if any, of the depositing of the Grand Trunk Pacific location plan in the Land Titles Office in 1907, the Midland Railway Company is still the owner of block 2.

The question for the Board to determine is which railway company is senior, so that the adjustment of the cost of the construction and maintenance of the interlocking plant at the crossing may be arranged between the companies upon the usual rule as to seniority and juniority.

Held, that an order should issue declaring the Midland Railway to be senior at the crossing in question. 23 Can. Ry. Cas. 80.

COMPLAINT OF THE CALGARY LIVE STOCK EXCHANGE *re* DISCONTINUANCE BY RAILWAY COMPANIES OF PRACTICE OF SANDING CARS FOR LIVE STOCK.

Complaint was made to the Board by the Calgary Live Stock Exchange as to the discontinuance of sanding cars used in the shipment of stock. It was contended by the applicants that the placing of sand on the floor of the cars was necessary in order to give the cattle a proper foothold, thus safeguarding and protecting them.

The matter was set down for hearing and was directed to stand until the 15 per cent increase in passenger and freight rates had been dealt with.

The Canadian Pacific Railway Company objected to doing the work free of charge, and it was contended by counsel for the shippers that the providing of sand on the floor of the car was part of the obligation of the railways as to providing proper equipment. The railway contended that it provided a suitable vehicle—that is to say, the car. It further stated that when the cars were cleaned in transit, it resands them, putting back clean bedding into the car; that what was being attempted was to put the obligation as to sanding cars on the railway at the initial shipping point, and this was regarded as not being an obligation imposed on the railway by the Railway Act, but that it was properly a burden which should be looked after by the shipper.

Held, Commissioner McLean in his judgment, dated April 6, 1918, concurred in by the Chief Commissioner, that by Item 62 of Supplement 7 to Canadian Pacific Railway Tariff C.R.C. W-2250, effective October 1, it is provided that when cars furnished for shipment of live stock are sanded by the railway company a charge of $1 per car would be made for this service, in addition to the published tariff rates.

APPLICATION OF THE PROVINCIAL STONE AND SUPPLY COMPANY OF TORONTO *re* COMMODITY RATES FROM BURRITTS, ONTARIO.

This was an application made by the Provincial Stone and Supply Company of Toronto, Ont., for an order of the Board requiring the Canadian Pacific Railway Company to publish specific commodity rates on crushed stone from Burritts, Ont., to various surrounding points.

The applicants are the owners of some undeveloped quarry property adjoining the line of the Canadian Pacific Railway, about three-quarters of a mile east of Burritts station. The object of the applicants was to obtain a guarantee of such rates as, in their opinion, would justify them in investing the necessary capital to develop this property.

Held, Mr. Commissioner Goodeve in his judgment, dated April 10, 1918, concurred in by Assistant Chief Commissioner Scott and Commissioner McLean, that the rate complained against had not been shown to be unreasonable per se. Held, further, that in view of the large movement of crushed stone under the rates in question, the Board would not be justified in making the order asked for. 22 Can. Ry. Cas. 411.

APPLICATION OF BRITISH COLUMBIA ELECTRIC RAILWAY *re* INCREASE IN FREIGHT RATES.

This was an application made by the British Columbia Electric Railway, on behalf of the Vancouver and Lulu Island Railway and the Vancouver and Fraser Valley Railway, for permission to increase by 10 per cent the freight rates on the portions of its system which are subject to the Board's jurisdiction, the increases as asked for being the same as have been allowed by the Board in respect of the steam lines subject to the Board's jurisdiction operating in British Columbia. The portions of the British Columbia Electric subject to the Board's jurisdiction are the Vancouver and Lulu Island Railway, with a mileage of 26.9 miles, which is leased from the Canadian Pacific, and the Vancouver, Fraser Valley and Southern with a mileage of 14.7.

The applicant was directed by the Board to serve on the municipalities affected copies of the application and the reasons therefor. Service was accordingly made on the Boards of Trade of New Westminster, South Vancouver and Vancouver, and on the municipalities of Richmond, South Vancouver, Point Grey, Burnaby, New Westminster and Vancouver. The lines concerned operate through the municipalities in question.

Protest was made by the Corporation of the District of Burnaby, by its solicitors, against the freight increases asked for on the Vancouver-Steveston and New Westminster-Eburne lines of the Vancouver and Lulu Island Railway and the Burnaby Lake Line of the Vancouver-Fraser Valley and Southern Railway; and it was asked that no action should be taken pending hearing. The Board was advised by the solicitors for Burnaby as follows:

"Re B.C.E.R. Freight Rates, File No. 28439.

"We are instructed by the Municipal Council of Burnaby to withdraw the protest against the raising of freight rates by the B. C. Electric Railway, Ltd. on the Vancouver-Steveston and New Westminster-Eburne Lines of the Vancouver and Lulu Island Railway and the Burnaby Lake Line of the Vancouver-Fraser Valley and Southern Railway as contained in our letter of 15th March last.

"The Transportation Committee of the Council of Burnaby have gone into the matter with the representative of the Railway Company and are satisfied that the increase, if granted, will not impose any serious hardship upon the residents of Burnaby."

No other representations were made by the municipalities and bodies concerned.

Held, Mr. Commissioner McLean in his judgment, dated April 23, 1918, concurred in by Chief Commissioner Drayton, that the Board had already held that the standard

passenger rate in British Columbia was sufficiently high; that the present application for increase of freight rates had been justified and the increases as allowed in the case of steam railways in British Columbia should become effective in fifteen days from the date of the order making the judgment effective.

City of Montreal v. Bell Telephone Co., 15 Can. Ry. Cas., 118, at p. 135, referred to.

NORTH BAY LANDOWNERS V. CANADIAN NORTHERN ONTARIO RAILWAY CO.

Where streets are crossed by the construction of a railway after an agreement is entered into with the municipality specifying the manner in which such crossings are to be made, providing that by-laws are to be passed to close portions of certain streets, and for the payment of compensation by the railway company, and an order of the Board is obtained granting permission to cross the streets upon the conditions of such agreement and providing that the railway company be responsible for any compensation which property owners affected (i.e., landowners adjacent or abutting on the streets) may be legally entitled to recover under the Railway Act and the Municipal Act, and such compensation is withheld or refused to be made by the railway company, the Board has jurisdiction to determine it or refer the matter either to a member of the Board under section 13, amended by 7 and 8 Edward VII, chapter 62 (C), section 4, or to a person appointed by the Board under section 60 for inquiry and report, and the previous order of the Board granting permission to carry the railway across the streets should be amended accordingly. Subsequently a by-law was passed, closing the portions of such streets and an amending order became necessary.

See ss. 29 and 235, amended by 1 and 2 Geo. V, c. 22 s. 6; Holditch v. Canadian Northern Ontario Ry. Co., (1916) 1 A.C., 536, at p. 543, 20 Can. Ry. Cas., 101; Brant v. Canadian Pacific Ry. Co., 36 O.L.R. 619, 20 Can. Ry. Cas. 268, followed. Canadian Northern Ontario Ry. Co., town of North Bay, 18 Can. Ry. Cas. 309, reversed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, April 24, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner McLean, 23 Can. Ry. Cas. 35.

COMPLAINT OF THE ONTARIO ASSOCIATED BOARDS OF TRADE *re* DELIVERY OF FREIGHT AT FLAG STATIONS.

This was a complaint filed with the Board by the Ontario Associated Boards of Trade with reference to alleged unsatisfactory conditions prevailing with respect to the delivery of freight to, and facilities afforded at flag stations.

The case was heard at a sittings of the Board at Hamilton on October 22, 1917, the following being the complaint as formulated in a letter of the President of the Associated Boards of Trade, dated June 23, 1917:—

> "In order to be able to present to the Board some tangible evidence of the conditions obtaining we circularized a number of merchants, customers of wholesale houses in different distributing centres, asking for information as to what protection was afforded goods after being unloaded, as to loss and damage sustained and what in their opinion were the main reasons therefor. We are forwarding with this application the replies received from some eighty merchants obtaining goods at about the same number of stations."

Out of these eighty replies submitted, and which were carefully gone over and checked, it was found that a number of them had to do with railways over which this Board had no jurisdiction. A careful analysis of these complaints, and of the evi-

dence on file and adduced at the hearing would show that the complaints may be divided as follows:—

1. Those due to the defect in the shelter already provided either from being inadequate or in a bad state of repair.

2. Damage due to carelessness on the part of the company's employees in unloading.

3. Those in which no shed or shelter of any kind was provided for the protection of goods.

4. Difficulty in obtaining proper evidence in case of claims for loss or damage of goods.

Held, Mr. Commissioner Goodeve in his judgment, dated April 30, 1918, concurred in by Chief Commissioner Drayton, that with regard to the first complaint the companies should take the necessary steps to rectify the matter. That with regard to the second complaint an order should issue directing all railway companies under the Board's jurisdiction to issue a bulletin notifying conductors in charge of L.C.L. freight that all packages for flag stations must be unloaded from the platform after the train has come to a full stop; that wherever shelters are provided they must be placed in the same; and that conductors will be held responsible for the carrying out of these instructions. With regard to the third complaint it is held that a case had not been made out that would justify the Board in making a general order that would involve a fairly large expenditure of money by the railway companies at a time when it is essential that every dollar should be conserved as far as possible without undue injury to the public service. With regard to the fourth complaint it was held that the matter might be met and the same results obtained without the expense and other objections of the carriers by adopting for general use a stamp to be agreed upon to be used on all bills of lading drawn upon flag stations, to be signed by the conductor.

APPLICATION OF THE QUEBEC RAILWAY, LIGHT, HEAT AND POWER COMPANY, LIMITED, *re* FILING OF TARIFFS FOR A GENERAL ADVANCE IN TOLLS.

This was an application of the Quebec Railway, Light, Heat and Power Company, Limited, to the Board for an order permitting the company to file tariffs providing for a general advance in tolls for the carriage of passengers over its line, in the same manner and to the same extent as has been permitted by the Board in the case of steam railways.

It appeared that the Montmorency division of the Quebec Railway, Light, Heat and Power Company is operated both by steam and by electricity. The steam operation is mainly as to the freight movement. Some of the passenger business, e.g., that of the carriage of pilgrims to Ste. Anne de Beaupre, is handled by steam traction.

The conditions as to steam handling of freight have been considered by the Board as being on all fours with those involved in other steam railway traffic, and a 15 per cent increase in freight rates has been allowed and is effective.

While there is a carriage of passengers both by steam and by electricity, the bulk of the passenger business is by electricity. For the year ending June 30, 1917, there were carried by steam 81,650 passengers, with a revenue of $8,608. The average haul per passenger was 7 miles, while the average receipts per passenger per mile were 1.4 cents. For the same period, there were carried by electric operation 1,947,667 passengers, with a passenger revenue of $212,643. The average fare was 10.5 cents; this is the same as the average steam fare. Detail as to the average haul by electric operation is not set out in the report form of the Department of Railways and Canals.

The section operated by electricity includes Quebec to St. Joachim, 26 miles, and Quebec to Kent House, 7 miles; a total of 33 miles.

The standard passenger rate is 2.5 cents per mile. Application is now made to increase passenger rates by 15 per cent.

The railway operates, in the section concerned, on its own right of way and has no agreements with any of the municipalities traversed which have any bearing on the level of passenger fares.

The increase in material costs show for the year 1917, as compared with the year 1913, a characteristic average increase of 40 per cent. In individual small items there are increases as high as 300 per cent.

Held, Mr. Commissioner McLean in his judgment, dated May 3, 1918, concurred in by Chief Commissioner Drayton, that the 15 per cent increase as asked for was justified. Subject to compliance with the statutory requirements as to publication in the *Canada Gazette* of the revised standards, tariffs might be filed effective within fifteen days from the date of the order.

In re COMPLAINT OF THE GRAIN GROWERS' B.C. AGENCY, LIMITED.

A ruling was asked for by the Board as to the right of the railway companies to advance their rates on wheat under the judgment and Orders issued in the fifteen per cent case. The question was governed entirely by the orders already issued.

Held, Chief Commissioner Drayton in his judgment, dated May 8, 1918, concurred in by Assistant Chief Commissioner Scott and Commissioners McLean, Goodeve and Boyce, that the movement of wheat from prairie points to the Pacific coast is subject to the increase allowed in the main judgment in connection with which General Order No. 212 was issued.

COMPLAINT OF THE LAKE SUPERIOR PAPER COMPANY, *et al.*, *in re* CANADIAN PACIFIC RAILWAY COMPANY'S SPECIAL TARIFF ON WOODPULP, C.R.C. NO. E.3557.

The complaints herein alleged that the Canadian Pacific Railway Special Tariff on Woodpulp C.R.C. E-3557, effective January 10, 1918, was, as regards rates from Sturgeon Falls and Espanola (where complainants' mills are situated) to points in Central Freight Association territory (the destination of their products), relatively unjust, unreasonable, discriminatory and unduly prejudicial in favour of the complainants' competitors, and that such rates failed to preserve the relationship theretofore and for a number of years existing as regards such shipments, and which tariff the complainants asked to be restored.

Held, Mr. Commissioner Boyce in his judgment, dated May 10, 1918, concurred in by Chief Commissioner Drayton and Assistant Chief Commissioner Scott, that the railway companies should be required to restore the pre-existing relationship by publishing and filing the same rates from Sturgeon Falls and Espanola as are concurrently in effect from Ottawa through the same frontier gateways to destinations in Central Freight Association territory.

UNITED GRAIN GROWERS *et al. v.* CANADIAN FREIGHT ASSOCIATION.
(*Milling in Transit Case.*)

The rates from point of reshipment chargeable on grain under tariffs allowing milling in transit or analogous privileges are those effective at the time of the original shipment, not those effective at the time of reshipment, unless the tariff under which the grain originally moved clearly provides otherwise.

Milling, malting, storage and cleaning in transit are privileges accorded to shippers by the carriers in the sense that the Board cannot order them, except to prevent discrimination, but they become enforceable rights when set out in tariffs under which shipments are made.

Tariffs when ambiguous are to be construed in ease of the shipper, when they can reasonably and properly be so read. Where the milling in transit or analogous privileges are exercised the inbound and outbound shipments are to be treated as part of the same movement, under the contract, and subject to a through rate arrangement.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated May 11, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas. p. 128.

INTERSWITCHING SERVICE.

Complaints were made from time to time by the railways and by shippers as to the interswitching rules and service practised by the railways. Hearings were had at which the general situation was discussed fully by various shipping associations, individual shippers, and the railways.

The Chief Commissioner, Sir Henry Drayton, in his reasons for judgment dated May 15, 1918, 24 Can. Ry. Cas. 324, goes into the origin and history of interswitching and the interswitching service and the action of the Board relating thereto. Following is a summary:—

The Order of the Board No. 4988, dated July 8, 1908, known as the "General Interswitching Order," allows connecting or line haul carriers to absorb the toll for the interswitching of competitive traffic, and provides a tariff applicable to traffic destined to consignees located upon, or reasonably convenient to, the tracks of the contracting carrier or to consignees who have customarily accepted the contracting carrier's delivery, for which, after it has been shipped, the consignee requires an interswitching delivery involving an additional service. The rate allowed was twenty cents a ton for any distance not exceeding four miles, with a minimum per car of $3 and a maximum of $8.

In the case of traffic destined to consignees located upon or reasonably convenient to tracks other than those of the contracting carrier, the order provided that one-half the toll be paid by the contracting carrier.

The question was next considered by the Board in an application by the Canadian Pacific Railway Company to make this General Interswitching Order applicable to the switching situation at London, which was governed by a special Order of the Board, dated July 25, 1905. In discussing this particular application, the then Chief Commissioner, Mr. Justice Mabee, stated that when the general question of interswitching was under investigation, it was not intended that the order covering the interswitching at London should be interfered with, and distinguished between railway sidings and team tracks on the one hand and industrial or business spurs on the other.

The companies, however, made little or no attempt to confine interswitching solely to business and industrial spurs, but extended it to the team tracks of each other. The question next came up on the complaint of the general traffic manager of the Canadian National Railways, complaining that the Grand Trunk Railway at Toronto issued peremptory orders refusing to accept for team track delivery in its Toronto yards carload freight moving in Toronto over C.N.O.R. lines, while for convenience the owners desired delivery upon the team tracks of the Grand Trunk in Toronto.

Previous to the General Order No. 4988, carload freight received at Toronto over the C.N.O.R. lines was accepted for team track delivery by the Grand Trunk, and the judgment of Chief Commissioner Mabee in the Canadian Pacific Railway Company's application referred to raised a doubt, it was alleged, in the minds of the carriers as to the obligation of a switching line to provide team track facilities when, for the convenience of the owner, such is desired: and the C.N.O.R. application was

for a ruling whether, under the General Order No. 4988, companies were required to accept from a connecting carrier carload freight, when for the convenience of the owner team track delivery within the company's yard limits was obligatory or not.

Under direction, the Secretary of the Board advised the Traffic Manager of the C.N.O.R. that the interswitching order dealt only with the tolls payable, and was never intended to compel one railway to turn over its entire terminals to another or others. Notwithstanding this intimation from the Board, railway companies continued to allow the use of their team tracks for interchange service.

In addition to the order in the London case, specific orders of interchange were made to apply to Lindsay, Ont., New Westminster and Rossland, B.C. The position, therefore, was that the mandatory orders applicable to the specific points mentioned covered team track delivery, whereas the General Interswitching Order No. 4988, dated July 8, 1908, did not.

Team tracks form part of the railway's terminals. Instances in which the companies refused to throw their team tracks open to the interswitching service were becoming more numerous. These terminals cost the companies large sums of money, and the objection was to making them available to competing companies to carry on business without expense. On the other hand, public interest in interswitching is a question of vital importance. Companies could charge full tariff rates for the distance comprised in interswitching movements for team track deliveries, the effect of which was to form an embargo and to shut off the movement of freight to certain portions of territory served by Canadian railways. On this point the Chief Commissioner expressed himself as follows:—

> "I am of opinion that interswitching should be no longer carried on as a matter of grace, but as a matter of right. The general order ought not to be merely a tariff, but an order which provides for and compels the service to be given. I think that carriers should be compelled at all times, according to their powers, to furnish an interswitching service, equal to the service accorded their own traffic, at all points where interchange tracks are not installed or may hereafter be provided, and that the line carrier, when required by the shipper or consignee, should be compelled to place cars at the proper point of interchange and to requisition the service of the interswitching carrier or carriers."

Distinction is made in the judgment between the use of team tracks and private sidings. The interswitching toll of one cent per hundred pounds for private sidings approved. As the carrying capacity of cars increased, the maximum of $8 was struck out. Minimum rate increases from $3 to $5 a car for a certain class of commodities. The present minimum of $3 a car applicable to traffic included in the 7th, 8th, and 10th classes of the Canadian Freight Classification continued. Sidings used by railways for spotting cars to be loaded or unloaded by any industries abutting on such sidings, directly from or to such abutting property, to be considered as a private siding irrespective of the fact that the track is built on railway land. The line carrier's duty to absorb one-half of the terminal carrier's charge for interswitching to or from private or industrial sidings to be continued, subject, however, to a minimum gross earning to the line carrier of $12 a car.

The interswitching service to extend to team track deliveries, subject to two conditions: First, in time of congestion the railway company owning the terminal facilities first to look after the placing of cars containing traffic originating on its own line; secondly, that the company be allowed two cents per 100 pounds for the actual weight carried, subject to the minimum of $6 a car.

In the case of team track deliveries, the line carrier ought not to be compelled to absorb any greater portion of the terminal carrier's charges than in the case of a

private siding delivery. The reasons for judgment make it abundantly clear that the only justification for subjecting the facilities of one company to the business of the other is that of public interest and convenience. In the absence of joint tariffs, interswitching becomes necessary. The duty is imposed upon railway companies by the statute to make joint rates and move traffic on a continuous route where two or more railways are concerned in it. Provision made by the judgment, if the initial carrier fails to place a car within 48 hours after the usual orders have been placed, or if traffic on its line is embargoed, that the initial carrier must, at the request of the shipper, accept and place the empty cars belonging to any other carrier, and that in such case the railway's interswitching toll shall be the only remuneration to the carrier.

The question of allowances for cartage which, when properly published and filed, were recognized, discussed in the judgment, but no disposition of it made.

APPLICATION OF THE BRANTFORD AND HAMILTON ELECTRIC RAILWAY COMPANY *in re* FILING OF TARIFFS FOR GENERAL ADVANCE IN TOLLS.

Application was made to the Board by the Brantford and Hamilton Electric Railway Company for authorization to put into force the same increases in freight rates as have been authorized in the case of steam railways, as well as in the case of certain electric lines. It was represented that the railway had no agreements with municipalities, so holding down the limits of freights rates as in any way to conflict with the present application.

The railway is 23 miles in length and has a capitalization, on the basis of stock and bonds, of $41,739.13 per mile. Its earnings, per mile, on the basis of net earnings from operation, less taxes, have been for the years 1915-1917 as follows:—

1915	$1,175
1916	1,199
1917	2,207

Held, Mr. Commissioner McLean in his judgment, dated May 29, 1918, concurred in by Chief Commissioner Drayton, that a case for the increase in freight rates as asked for had been made out and that an order should go accordingly, subject to compliance with the statutory requirements as to publication of standard tariffs.

TOLLS—COMPETITION—STERNE & SONS V. CANADIAN FREIGHT ASSOCIATION.

The respondent is justified in increasing the toll charged, through misapprehension, on asbestos cement in a plastic form, where it is in competition with stove putty used for the same purpose.

The application was for an order directing the respondent to accept and carry asbestos cement at the tolls provided for in item 3, p. 95, Canadian Freight Classification, No. 16.

The facts are fully set out in the reasons for judgment of Deputy Chief Commissioner Nantel, dated May 31, 1918, concurred in by Mr. Commissioners McLean and Goodeve. 23 Can. Ry. Cas. 171.

LEMIEUX V. BELL TELEPHONE COMPANY.

It is unjust discrimination for a public utility company, whose tolls should be equalized according to the services rendered, to charge double the toll at the attended stations for local calls compared with the toll at the coin-box booth, both being public telephones. The Board ordered the respondent to equalize its tolls for local calls by fixing a toll for local messages on a "two-number basis" from public telephones inside the base toll area at five cents, and outside thereof at ten cents.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 4, 1918, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Mr. Commissioner McLean. 23 Can. Ry. Cas. 141.

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APPLICATION OF THE CHATHAM, WALLACEBURG AND LAKE ERIE RAILWAY CO. FOR PERMISSION TO FILE TARIFFS PROVIDING FOR GENERAL ADVANCE IN TOLLS.

Application was made to the Board by the Chatham, Wallaceburg and Lake Erie Railway Company for sanction to increase its rates for the carriage of freight and of passengers to the same extent as has been permitted by the Board in the case of steam railways.

The railway company represented that it had no agreement with any municipality which in any way limited the rates, either freight or passenger, which it may charge. It further represented that the present application did not involve an increase in the existing 5-cent fare applicable in the city of Chatham.

The railway is 40.6 miles in length and has a capitalization of $35,839.90 per mile, allocated as follows,—stock, $18,733.99; bonds, $17,185.91.

On a mileage basis, its net earnings from operation, less taxes, have been for the years 1915-1917 as follows:—

1915	$ 801
1916	1,601
1917	1,053

These earnings are low as compared with those of the Brantford and Hamilton, the London and Port Stanley, and the Windsor, Essex and Lake Shore Rapid Electric Railway Companies, whose applications for rate increases have been dealt with by the Board.

For the calendar years 1915 to 1917, the following results are available:—

Year.	Gross revenue.	Operating expenses.	Net revenue.
1915	$137,627 83	$119,608 87	$18,018 96
1916	143,798 64	126,025 67	17,772 97
1917	131,326 30	129,523 60	1,802 70

The fiscal years ending June 30 are used in the computations that follow because there is available in connection therewith the detail of the Government returns, and such material is also more readily comparable with what has been used in other cases.

The financial situation of the applicant company for the fiscal years 1915 to 1917 is summarized in the following statements:—

	1915.	1916.	1917.
Net earnings from operation less taxes	$32,549 57	$65,103 85	$42,762 92

The Company has outstanding $760,000 of common stock on which no dividends have been paid during the period in question. It has also outstanding $694.500 of funded debt paying five per cent—that is, an annual interest charge of $34,725.

The interest charge on floating debt was:—

1915	$1,343 38
1916	3,665 56
1917	2,736 13

Summarizing the detail above set out, the situation is:—

	1915.	1916.	1917.
Balance after deducting fixed charges and taxes	$2,175 13 (def.)	$30,378 85	$8,027 90
Balance after deducting above and interest on floating debt	3,518 51 (def.)	26,513 29	5,291 77

Held, Mr. Commissioner McLean in his judgment, dated June 7, 1918, concurred in by Chief Commissioner Drayton, that a case for the increase in rates as asked for had been made out, and that an Order should go subject to compliance with the statutory requirements as to publication of standard tariffs.

In re APPLICATION OF THE WINDSOR, ESSEX AND LAKE SHORE RAPID RAILWAY COMPANY, FOR PERMISSION TO FILE TARIFFS FOR GENERAL ADVANCE IN TOLLS FOR CARRIAGE OF FREIGHT.

Application was made to the Board by the Windsor, Essex and Lake Shore Rapid Railway Company for permission to put into force the same increases in freight rates as have been authorized in the case of steam railways, as well as in the case of certain electric lines.

It was represented by the railway that the only agreement existing with any municipality which in any way has a bearing on the levels of freight rates is section 7 of By-law No. 1101 of the city of Windsor. Said by-law respecting the Windsor, Essex and Lake Shore Rapid Railway Company was passed the 15th day of December, 1903, and refers to an earlier by-law of the corporation of the city of Windsor, No. 1056, dated June 9, 1902. By-law No. 1101 appears to have been passed in view of certain amendments which were desired in By-law No. 1056, said amendments being in respect of the extension of the period during which the railway operating within the limits of the city of Windsor was to be exempt from taxation; and also dealing with the contribution by the railway company to the cost of certain paving improvements.

By-law No. 1101 above referred to, by section 7 thereof, reads as follows:—

> "The company shall carry freight to and from Windsor upon the entire or any portion of its system at rates not in excess of regular steam railroad rates, for similar distances and between the same places."

It would appear from the wording of this section that the intention of the by-law was that whatever the steam railroad rates in the area as defined might be from time to time, the rates as charged by the Windsor, Essex and Lake Shore Rapid Railway Company should not exceed them.

The railway has an operating length of 39.156 miles. It has a capitalization of $750,000 of stock and $750,000 of mortgage bonds outstanding. No dividends are returned as having been paid upon the stock during the period 1915-17. The mortgage bonds bear interest at 5 per cent, thus amounting to $37,500 annually. In 1915 only $24,500 of the interest charges on the bonds were paid. The interest payments have been averaged up in the years 1916 and 1917. The road has a capitalization of $38,308 per mile.

Held, Mr. Commissioner McLean in his judgment, dated June 7, 1918, concurred in by Chief Commissioner Drayton, that a case for an increase in freight rates as asked for had been made out and that an Order should go subject to compliance with the statutory requirements as to publication of standard tariffs.

Re EXTENSION OF KINNEAR YARD, HAMILTON, ONT.

The original application made in this matter was to expropriate land for the purpose of extending the Kinnear yard of the Toronto, Hamilton and Buffalo Railway Company.

The company made out the necessary case under the provisions of the Railway Act. The Board found that the public business to be carried by the company demanded the extension of the Hamilton facilities. The Board, although finding that the necessity for the extension existed, did not issue an order for the expropriation, but gave the city the opportunity of leasing the land which was sought to be taken, for a period of five years. The Board's judgment reads:—

> "Under these circumstances, the Board has no alternative but to approve the application, unless some arrangements can be made between the parties.
>
> "At the hearing, I indicated that the matter should be arranged. The city are the owners of the land in question; they do not desire that the company's

holdings in the south end of the city should be increased and the movement of the company's facilities from its present site rendered the more difficult and expensive.

"On the other hand, at the present time, every one realizes that it is impossible to carry into effect the Tye-Cauchon report. I trust also that every one realized that Hamilton's traffic, as well as the through traffic, must be provided for, and that the present is no time to add to difficulties of transportation.

"My suggestion was that, instead of an expropriating order going, Hamilton would allow the company to occupy the land, which is at the present put to no use whatever, for the period of five years, and five years only; without any provision for renewal. At the end of the five years the city and the railways may be in a position to finance the ultimate solution of the Hamilton railway problem whatever form it may take. If, on the other hand, nothing can even then be done, the company will still be in just as good a position to make an application for an order of expropriation as it is to-day."

Held, Chief Commissioner Drayton in his judgment, dated June 12, concurred in by Mr. Commissioner Goodeve, that the Board has no jurisdiction to order that a lease be given on the terms indicated. Held, further, that as pointed out in the main judgment, the Board could order the land to be expropriated and that an order would go for expropriation on the expiration of ten days from the issue of the judgment, unless in the meantime a lease was given by the city or the railway company embodying the provisions referred to.

CRUSHED STONE, LIMITED, AND HENDERSON FARMERS' LIME AND PHOSPHATE COMPANY V. GRAND TRUNK RAILWAY COMPANY.

The jurisdiction of the Board as to tolls concerns only their reasonableness; no matter how much the development of an industry may be in the public interest, the Board is not authorized to be an arbiter of industrial or public policy and cannot strike a low toll basis, independent of its reasonableness, but carriers may in their discretion install development tolls.

British Columbia News Co. v. Express Traffic Association, 13 Can. Ry. Cas. 178; Massiah v. Canadian Pacific Ry. Co., 17 Can. Ry. Cas. 88, at p. 90; Western Retail Lumbermen's Association v. Canadian Pacific, Canadian Northern and Grand Trunk Pacific Ry Cos. 20 Can. Ry. Cas. 155, at p. 158 followed.

Comparing the commodity mileage scale on agricultural limestone with the special commodity tolls on crushed stone, and taking into consideration that the volume of traffic on agricultural limestone to large consuming points is not comparable with crushed stone, and that the latter commodity has been granted low commodity tolls by the carriers in their discretion, it has not been established that the existing toll basis is unreasonable.

Provincial Stone and Supply Co. v. Grand Trunk Ry. Co., 22 Can. Ry. Cas. 411, at p. 413, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, June 18, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 132.

CITY OF VICTORIA AND ATTORNEY-GENERAL FOR BRITISH COLUMBIA V. ESQUIMALT AND NANAIMO RAILWAY COMPANY.

The Board has only such jurisdiction as is given by the express terms of the statute or by the necessary implications therefrom.

Section 59 does not confer jurisdiction on the Board to order a combined highway and railway bridge. The Board having found upon the evidence that the respondent

built the extensions on either side of a railway bridge for the pedestrian use of the public, it was held that the footpaths so provided were, in fact, public ways and communications.

Duthie v. Grand Trunk Ry. Co., 4 Can. Ry. Cas. 304, at p. 311, followed.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated March 30, 1918, concurred in by the Assistant Chief Commissioner, Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 84.

In re APPLICATION OF G. H. FURNIVAL OF EDMONTON, ALTA., AND GRAND TRUNK PACIFIC.

This was an application of G. H. Furnival, of Edmonton, Alta., in respect of damage claims against the Grand Trunk Pacific Railway Company in connection with lot No. 16, block 13, river lot 14, in the city of Edmonton, 105th avenue. The case was heard at the sitting of the Board in Edmonton on the 11th June, 1918.

Held, Mr. Commissioner Boyce in his judgment, dated June 25, 1918, concurred in by Assistant Chief Commissioner Scott, that the Board had no jurisdiction to make an order either (a) directing the railway company to make compensation to the complainant, or (b) directing the railway company to treat with the complainant with a view to awarding such compension.

APPLICATION OF THE MUNICIPALITIES OF BURNABY AND COQUITLAM, B.C., *re* VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

This was an application made to the Board by the municipalities of Burnaby and Coquitlam, B.C., for an order requiring the Vancouver, Victoria and Eastern Railway and Navigation Company to complete the work required to be done under the Board's Order No. 25260, dated August 10, 1916.

By Order No. 25260, after a hearing at Vancouver on June 26, 1916, the Board approved the changes in the line of the Vancouver, Victoria and Eastern railway near Sapperton, B.C., which changes involved,—

> "(*a*) A change of alignment at the crossing of the North Road, in the district of New Westminster.
>
> "(*b*) The diversion of Brunette Road, on the line 'D' 'E' 'F', shown on the plan, and the closing of the portion of the Brunette Road coloured yellow on the plan.
>
> "(*c*) The construction by the applicant company, at its own expense, of a bridge carrying the North Road over the line of railway as now proposed to be constructed."

The bridge to be constructed over the North Road was to be built of steel, with a width of 24 feet on the roadway, and with 6-foot sidewalks extending on each side, detail plans showing the proposed bridge to be filed by the railway company for the approval of an Engineer of the Board, and the new bridge was to be installed and completed within a year from the date of the order. By Order 26342, dated July 20, 1917, time for completion of the bridge was extended until January 1, 1918, no objection to the extension being offered on behalf of the municipality.

Plans of the proposed bridge were duly submitted to the Board and to the municipality, in accordance with the Order above referred to, and were approved by the Chief Engineer of the Board April 4, 1917. The municipality received the plans of the proposed structure on the 20th March, 1917, and as they were not approved by the Board's Chief Engineer until April 4th following, there was ample time to object to any structural features had the municipality been dissatisfied. No objections were raised, however, and after approval of the plans, a copy was sent to the municipality under date 4th April, 1917, with a statement that the plans had been so approved. Receipt of this plan was acknowledged by the clerk of the municipality under date

12th April, 1917. The subsequent complaint of the solicitors of the municipality, addressed to the Board, that the plan was approved before the engineer of the municipality had an opportunity of seeing it, does not seem to be a meritorious one. Under date 16th April, 1917, the solicitors of the municipality submitted the suggestions of their engineer as to the plans.

Held, Mr. Commissioner Boyce in his judgment, dated June 25, 1918, concurred in by Assistant Chief Commissioner Scott, agreeing with the disposition contained in the memorandum of the Board's Engineer contents of which were communicated to the complainants in a letter from the Board, dated February 16, 1917, that the complaint should be dismissed with leave to the complainants to apply to the Board as regards any of the matters arising out of the temporary timber abutment supporting the southerly end of the bridge.

APPLICATION OF THE HULL ELECTRIC RAILWAY COMPANY *re* FILING OF TARIFFS FOR GENERAL ADVANCE IN TOLLS.

Application was made to the Board by the Hull Electric Railway Company for authority to file tariffs providing for a general advance in the tolls for the carriage of passengers and freight over its line, in the same manner and to the same extent as has been permitted by the Board in the case of steam railways.

At the hearing, counsel for the town of Aylmer desired to have an opportunity to file a written statement of the town's position in the matter. Leave was granted, ten days being allowed for filing said statement; and, on subsequent request, additional time was granted. The written submission of the town of Aylmer was submitted to the Board.

The answer stated that the town of Aylmer and its people would be seriously injured by the increases proposed. Reference is made to the effect the increased passenger rates would have on the summer population of Aylmer. It was contended that the railway has only limited freight facilities and that the freight rates charged from Ottawa to Aylmer are already sufficiently high, and much higher, in proportion to distance, than on most steam railways.

The answer stated:—

> "The company seeks to justify its application for increase of tolls on three grounds, viz: (1) increased costs of material, equipment and labour; (2) increased operation ratio for the eight months commencing July 1, 1917; and (3) the necessity of doing work of maintenance which has been deferred."

It was contended that the grounds referred to did not justify the application and that the company's statements were incomplete, inaccurate and misleading.

It was admitted that costs of materials had increased, it being stated, however, that this was "largely owing to unusual and temporary conditions." It was contended that costs had not increased in the same ratio as contended by the railway; and it was further contended that there had been an increase in the company's revenue from the operation of its road during the past year and recent years which more than compensates for any increase in expense of operation and maintenance.

The company's submission as to the increase in the operating ratio for the eight months beginning July, 1917, was regarded, in the answer, as being misleading on the ground that it included months in which, on account of winter conditions, there were heavy operating costs, while at the same time it excluded four more profitable months, whose greater traffic would bring down the ratio.

Held, Mr. Commissioner McLean in his judgment, dated June 26, 1918, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott, Deputy

Chief Commissioner Nantel, and Mr. Commissioner Boyce, that a case for the increase in rates had been made out. Held, further, that this involved not only the authorization as to increase of existing special rates but also of the standard rates as well. Held, further, that in the case of the passenger standard, this would be authorized at 2·875 cents per mile; the increased rates to be made effective within fifteen days, contingent upon compliance with the statutory requirements as to publication of standard tariffs.

SIDNEY BOARD OF TRADE V. GREAT NORTHERN RAILWAY COMPANY.

Under section 315 (5) where traffic moves under substantially similar circumstances and conditions, carriers are justified in charging lower tolls to Victoria, B.C., an ocean terminal point, for the longer haul than for the shorter haul to Sidney, B.C., an intermediate point, where Victoria is, and Sidney is not, subject to competition.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 26, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 173.

RESIDENTS OF MASSETT V. GRAND TRUNK PACIFIC STEAMSHIP COMPANY.

The Board has no jurisdiction to deal with a tariff of tolls for water-borne traffic between local ports, no part of such traffic being attributable to railway traffic.

Dawson Board of Trade v. White Pass & Yukon Ry. Co., 9 Can. Ry. Cas. 190, distinguished.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 26, 1918, concurred in by the Assistant Chief Commissioner, 23 Can. Ry. Cas. 121.

ALBERTA UNITED FARMERS V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 245 the Board has no jurisdiction to direct railway companies to bear the cost of installation and maintenance of telephones in their stations, but it has jurisdiction to direct them to permit municipalities or corporations carrying on a telephone business to install instruments without charge to the railway companies in their stations.

Peoples and Caledon Telephone Cos. v. Grand Trunk and Canadian Pacific Ry. Cos., 9 Can. Ry., Cas., 161; Province of Manitoba v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 445, followed.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 104.

EXTENSION OF KINNEAR YARD AT HAMILTON, ONT. FILE NO. 28230.

Judgment, Chief Commissioner Drayton, dated June 27, 1918, concurred in by Commissioner Goodeve.

Exception has been taken by the Toronto, Hamilton and Buffalo Railway Company to the Board's direction that instead of an order of expropriation going, the city might, if it so desired, lease the property for a term or five years. The company insists that an expropriatory order should issue for the following reasons:—

> "1. At the expiration of the lease, the company would be utterly unable to handle its business were the tracks to be pulled up and the property given back into the hands of the city. The use of the tracks at the present time is necessary beyond all question, and 5 years from now, with the continued growth of the country and traffic over the railway, their use would be vastly greater.

"2. The cost to the company of putting the property into shape for use by it during the term of the proposed lease would be entirely out of proportion to what the company would gain by it. There would be an unavoidable loss of about $13,000. An approximate estimate of the cost of the work on the city property amounts to over $24,000. We could not afford to incur the risk of such loss.

"I trust, therefore, that the Board, having found that the application is well founded and that the property in question is required in the public interest by the railway company, will see fit to make the usual order under section 178 authorizing the company to take the land."

It cannot be disputed that the Board's direction is in ease of the municipal situation, nor can it be disputed that under ordinary circumstances, the duty of the Board, on satisfying itself that the property is required in the public interest, is to issue an order of expropriation.

The Hamilton railway situation cannot be so described, nor can it be described as satisfactory. The different reports that have been made at least deserve careful study. It may be that the railway finally will have to be left where it is. It may be again that it can and ought to be moved on fair and just terms; and the city's application having been made, the Board's view was and is that in case it is shown to be feasible to change the railway location, that change ought not to be made unduly expensive and the property interests of the company left as near as may be as they now are until that question is decided.

The situation is really not that which the company seems to fear. There is no doubt as to the growth of Hamilton's industries and the necessity of tracks. I have no doubt that the same conditions will exist in five years' time when, if necessary, an order of expropriation can be made; but it is to be hoped that before the expiration of five years the permanent solution of Hamilton's railway problem will be evolved. This permanent solution must undoubtedly include proper and sufficient facilities for the Toronto, Hamilton and Buffalo railway. The application for an order is not dismissed; the Board is seized of the matter. It is to be hoped that an order of expropriation will never be necessary, but that both the municipality and the railways will recognize their common interests and adjust, within the period of the lease, the difficulties of to-day.

If necessary an order of expropriation can be made as well in five years' time as to-day. In view of the fact that the municipality states it is prepared to give the lease suggested, possession of the property can be had, and it well may be that no extra cost will be entailed upon the railway by the form in which it gets possession.

TOLLS—DELIVERY—GRAIN GROWERS B. C. AGENCY V. CANADIAN NORTHERN RAILWAY COMPANY.

A carrier is bound to have a place of delivery for traffic destined to a point to which it has quoted a tariff of tolls free from the imposition of a switching toll on shipper or consignee, therefore, an order may go permitting the respondent to refund the moneys it has collected under their switching conditions at the point in question.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 169.

SOUTH ALBERTA WOOL GROWERS' ASSOCIATION *v.* CANADIAN PACIFIC RAILWAY COMPANY.

The Board declined to approve a reduction in the minimum C.L. weight on sheep from 16,000 pounds to 12,000 pounds in single-deck cars.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated June 28, 1918, concurred in by Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 54.

In re APPLICATION OF W. S. HENDERSON, DRUMHELLER, ALBERTA, FOR SPUR.

This was an application made to the Board by W. S. Henderson, of Drumheller, Alta., for the construction of a spur near the High Level bridge at Lethbridge, Alta., on the line of the Canadian Pacific Railway Company, to serve a coal property owned by the applicant adjacent to Belly river, about one and one-half miles distant from Lenzie siding on the line of the said company. The applicant desired that the company should construct, or at least supply the steel for the construction of a siding from the railway to the coal property. The railway company had two objections to the application: one, that steel was scarce and that it was difficult for the company to supply the rails; and, the other, that it would be inconvenient and unremunerative for the company to operate the spur. The company further intimated that if the applicant could deliver coal to the railway company at its Lenzie siding the company would handle it.

The facts are fuly set out in the judgment of Assistant Chief Commissioner Scott, July 2, 1918. concurred in by Mr. Commissioner Boyce, dismissing the application.

ABREY V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 254 the respondent is only obliged to maintain right of way fences turned into the track at each end of the bridge over the Souris river, a stream on which timber may be floated; therefore, under section 230 the respondent is prohibited from placing fences, which would amount to an obstruction, across the river.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 4, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 17.

CITY OF VANCOUVER V. VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

In a case of dispute between a municipality and a railway company over the cost of a bridge carrying a highway over a railway, of which each pays a certain proportion, where owing to the length and intricacy of the accounts it is impossible for the Board in the exercise of its jurisdiction to decide the question at issue at an ordinary hearing, the matter was referred to a referee under section 60 to take the accounts and report to the Board what amount (if any) is due by one party to the other, the reference being at the applicant's risk as to costs.

North Bay Landowners v. Canadian Northern Ry. Co. ante p. 35.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 9, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 123.

MCKENZIE V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Carriers will not be ordered to supply special doors for box cars, used to carry sand or gravel, as in the case of grain shipments, the circumstances and conditions (see section 317) of sand and gravel traffic being dissimilar to those of grain traffic.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 99.

BRANDON SHIPPERS V. CANADIAN PACIFIC AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

An interchange track between the lines of the Canadian Pacific Railway Company and a branch line of the Grand Trunk Pacific Railway Company was ordered by the Board to be constructed at Forest, ten miles from Brandon, at the expense of the Grand Trunk Pacific Railway Company in order to give Brandon a connection with the latter railway.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 28.

SESSIONAL PAPER No. 20c

CANADIAN PACIFIC RAILWAY COMPANY V. CANADIAN NORTHERN RAILWAY COMPANY.

An agreement between two railway companies for the construction of falsework to carry the line of railway of one company over the tracks of the other company without the standard clearances, may properly contain a clause indemnifying the company whose line is crossed, from all loss, damage or expense of any nature occasioned to it, including loss, damage and expense that has been occasioned, or contributed to, by the negligence of its servants or agents or otherwise howsoever.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 10, 1918, concurred in by Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 5.

In re APPLICATION OF SECURITY TRAFFIC BUREAU.

This was an application by the Security Traffic Bureau for a revised rating on shipments made in 1912 said to consist of baseboards and casings, although described by shippers in bill of lading as mouldings. The Board was asked to rule as to the correctness of a claim made by the Security Traffic Bureau against the Canadian Pacific Railway Company, and refused by that company, and to decide whether it should be allowed.

At the hearing no one appeared for the complainants,the railway company being represented by counsel. It appeared that the shipment described in the bill of lading, which was dated as far back as April 27, 1912, from Radford-Wright Co., as shippers, to Galvin-Watson Co. at Wilkie, Sask., was made from Winnipeg and was billed by the shippers and charged by the Canadian Pacific Railway Company as 62 bundles of mouldings, weighing 3,970 pounds. The shipment was accepted as mouldings, and the rate on mouldings was charged and paid.

Four years later, on April 12, 1916, the Security Traffic Bureau of Minneapolis entered a claim against the Canadian Pacific Railway Company for reduction from 1st to 3rd class on 2,850 pounds (involving a refund of $11.97) of the total weight of 3,970 pounds on the grounds that while the shipment was described as mouldings, it really consisted of casings, baseboards and window stools to the extent of 2,850 pounds thereof. It is to be noted that the invoice submitted showed no weight, but the shippers' estimate as to the proportion of shipment which should take the 3rd class rate, was supposed to be taken. The railway company rejected the claim, and on the 28th March, 1918, complaint was made to this Board.

Mouldings move as 1st class under Canadian Freight Classification No. 15, page 48, item 63, and the shipment as described, was properly subject to that rate. Casings and window stools are not shown in the classification but, under items 47 and 48, boards plain and moulded for wainscotting, etc., took the 3rd class rate; and, under item 49, the same articles n.o.s. also took the same rate. The complainants contended that casings, baseboards, and window stools, were simply boards plain and moulded, and such of them as were in the shipment should be classified at 3rd class.

The whole question resolved itself into one of interpretation of Canadian Freight Classification No. 15, in force at the time the shipment was made.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 10, 1918, concurred in by Assistant Chief Commissioner Scott, dismissing the complaint.

APPLICATION OF THE CITY OF WINNIPEG, MAN., FOR AN ORDER TO EXTEND THE DELIVERY LIMITS OF THE EXPRESS COMPANIES IN THE CITY OF WINNIPEG. FILE 4214.145.

Judgment, Assistant Chief Commissioner Scott, dated July 10, 1918, concurred in by Commissioner Boyce:—

The city of Winnipeg applies for the extension of the express delivery limits in the southwest part of Winnipeg, from its present boundary Daly street westerly to the centre line of the Canadian Northern Railway.

After the hearing at Winnipeg, the commission had an opportunity of going over the ground and making an inspection of the territory which the city asks to have included in the express delivery limits. There are no paved streets in the territory in question. It can be reached either from Pembina highway or Osborne street, both of which are paved. It is entirely a residential section, the western portion of which contains a good deal of vacant land. The territory between Cockburn and Daly streets is the most populous of the section, and I think it might be included in the free delivery limits. Cockburn street is the western limit of the free delivery area north of the Canadian Northern Railway yards. Therefore, if Cockburn is taken as the western boundary south of the Canadian Northern Railway yards, we will just be continuing the line north of the railway property southerly.

I think an order should go extending the delivery limits to include the territory bounded on the north by Kylesmore avenue, on the West by Cockburn street, on the south by the south line of lot No. 17, St. Boniface, and on the east by Daly street.

BIENFAIT COMMERCIAL COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

Where an industrial spur is built in the interests of commerce at the expense of the industry to be served, the entire cost both of construction and maintenance should be borne by such industry.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 10, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 62.

MONTREAL AND SOUTHERN COUNTIES RAILWAY COMPANY V. TOWNS OF GREENFIELD PARK ET AL.

Agreements between municipalities and a railway company do not oust the jurisdiction of the Dominion Parliament and the Board in their administration of the Railway Act and in the fixing of tolls. Inasmuch as the agreements in question have not been validated by legislation and submitted to or approved by the Board, and in view of the greatly increased costs of transportation, the Board finds the increased tolls desired by the applicant to be just and reasonable.

In re increase in Passenger and Freight Tolls (Increase in Rate Case), 22 Can. Ry. Cas. 49, Lyons Fuel and Supply Co. v. Algoma Central Ry. Co., post p. 146, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 10, 1918, concurred in by the Deputy Chief Commissioner and Commissioner Goodeve. 23 Can. Ry. Cas. 106.

In re COMPLAINT OF DAVID SPENCER, LIMITED, VANCOUVER, B.C.

This was a complaint of David Spencer, Limited, of Vancouver, B.C., against the interpretation placed by the railway companies on the ratings of the Canadian Freight Classification as applied to shipments of women's hats from Eastern Canada.

The Canadian Freight Association Westbound Transcontinental Tariff No. 1, of the Canadian Freight Association, effective September 20, 1916, provided, by item 240, a commodity rate from Eastern Canada to the British Columbia coast terminals on certain enumerated articles of clothing, including "Hats and Caps (other than millinery) taking 1st class rating in the current Canadian Freight Classification."

In March, 1917, the Cooper Cap Company, Toronto, shipped seven cases of Cotton Hats, with band or binding only, to Vancouver, B.C., on which the rate—D. 1 ($7.24) was charged, the carriers applying the rate on millinery. By error, the shippers described the shipment as millinery, but subsequently filed a claim for refund, claiming that the shipment took the commodity rate above referred to.

The Canadian Freight Association, to whom was submitted a sample of the shipment, was of the opinion that a shipment of such a nature should take the D. 1 rate on millinery. The shippers contended that the shipment consisted of "hats other than straw." Classification No. 16, item 28, of the then tariff.

The shippers appealed, and David Spencer, Limited (presumably the consignee) at any rate in similar case, also appealed to the Board against what they complained was an improper interpretation of the classification.

The facts are fully set out in the Judgment of Mr. Commissioner Boyce, July 11, 1918, concurred in by Assistant Chief Commissioner Scott, in which it was held that as regards the past shipments in question, the reasonable and fair interpretation of the classification at the time those shipments were made, entitled the complainants to the commodity rate in force at the time the shipments were made, and that an order should go accordingly.

TOLLS—CARS.—PLUNKETT & SAVAGE V. CANADIAN PACIFIC RAILWAY COMPANY.

Where the toll from the point of shipment to destination provided for a heated refrigerator car, and the transportation of a messenger, a charge made by the carrier for supplying additional heaters is not covered by the tariff of tolls, is illegal, and refund should be allowed.

The application was for an Order directing the respondent not to charge an additional heater toll of $22.50 per car from Minneapolis to Calgary, on five carload lots of bananas ex New Orleans.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 11, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 178.

HAMILTON RADIAL ELECTRIC COMPANY V. CITY OF HAMILTON *et. al.*

Where, under the Act of Incorporation of a railway company, municipalities are given power to enter into franchise agreements and pass franchise by-laws and by special Act, 7 and 8 Edward VII, chapter 117 (*c*), declaring such railway to be a work for the general advantage of Canada, it was enacted that the provisions of any municipal by-law relating to the company, or agreement between it and any municipality were not to be effected, the company is bound by them, and the Board has no power to increase the tolls contrary to the terms of such agreements and by-laws.

Increase in Rates Case, 22 Can. Ry. Cas. 49, at pp. 57-60, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 114.

CITY OF PORT ARTHUR V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Where a subway was built under railway tracks in a public park, to which the railway was senior, to give access between the portions lying north and south of the railway of which the entire cost was borne by the municipality except the superstructure (borne by the railway company), and the municipality having given the land on which to lay tracks to serve elevators south of the railway of which six were to be built immediately south of the main line, applied for a subway under such six tracks, the senior and junior rule does not apply, and the cost of the work will be divided between the municipality and the railway companies interested.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 89.

In re APPLICATION OF TOWN OF GREENFIELD PARK.

This was an application of the town of Greenfield Park, P.Q., for better service from the Montreal and Southern Counties Railway Company.

Previous to the hearing of the application an inspection had been made by the Board's Inspector, who went very carefully into the situation and reported against the granting of the application.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, July 12, 1918, concurred in by Chief Commissioner Drayton, in which it was decided that the Board would not be justified in altering its decision and making the Order asked for.

TOLLS—INCREASE—TWIN CITY COAL CO. *et al* V. CANADIAN PACIFIC, CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

In the decision of the Board in the 15 per cent Increased Rates Case, 22 Can. Ry. Cas. 49, allowing an increase on coal of 15 cents per ton, there is no separate toll for slack coal and no distinction can be made in the tolls on slack, lump or run of the mine coal.

The application was for an order directing the respondents to reduce their tolls on slack coal to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 17, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 181.

In re COMPLAINT OF THE VIPOND FRUIT COMPANY, WINNIPEG, MAN.

This was a complaint of the Vipond Fruit Company, Winnipeg, Man., against a heater charge of $15 per car on bananas from Minneapolis to Winnipeg. The Canadian Pacific Railway Company contended that the question involved in the complaint was exactly the same as that referred to in the complaint of Messrs. Plunkett and Savage, already ruled upon by the Board, in which it was decided that the tariff did not apply to a case like the one under consideration when merely a heater had been supplied, and that, therefore, the company was not justified in making the $15 charge and that there was no tariff on file providing a charge for a heater only, for a car in transit, and the Board decided that an order should go declaring the error of the company in collecting the $15 and permitting it to pay it back.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 17, 1918, concurred in by Mr. Commissioner Boyce subject to the same conditions and stipulations as were made in the case of Plunkett and Savage.

GREAT WEST, BYERS MINE COAL COMPANIES AND EDMONTON COLLIERIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

Where tolls are blanketed, a too rigid adherence to a mileage basis, thereby giving a sudden break in the middle of a coal shipping area between coal mines competing with each other in a common market, is undesirable.

Galbraith Coal Co. v. Canadian Pacific Ry. Co., 10 Can. Ry. Cas. 325, followed.

The application was for an order directing the respondent to reduce the toll on coal from the Great West spur to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 18, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 175.

In re APPLICATION OF THE TOWN OF KENORA, ONT.

This was an application made to the Board by the town of Kenora, Ont., for permission to cross the main line of the Canadian Pacific Railway Company with a road from the town of Kenora connecting the property of the Keewatin Lumber Company, of Keewatin, Ont., with the Government Road.

The application appeared to have been made primarily for the benefit and on behalf of the Keewatin Lumber Company, whose mills are situated at Kenora. The application was not supported as being of public interest, and it was suggested that if the crossing were maintained it would be at private expense and available only to the

teams of the Keewatin Lumber Company. The applicant claimed that if the crossing were allowed a more level road could be obtained for the team traffic of the lumber company between Keewatin and Kenora.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 18, 1918, concurred in by Assistant Chief Commissioner Scott, in which he holds that the application should be dismissed.

EDMONTON BOARD OF TRADE V. CANADIAN NORTHERN RAILWAY COMPANY.

The Board refused an application for the appointment of an agent where it appeared that it was almost impossible for railways to obtain agents to man stations much more important than the fourth class station in question, and an agent could not be installed without depriving a more important station of adequate service.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 24, 1918. 24 Can. Ry. Cas., p. 7.

CANADIAN GOVERNMENT RAILWAYS V. TOWNSHIP OF MULGRAVE AND NOVA SCOTIA DEPARTMENT OF WORKS AND MINES.

Where crossings of a highway by a railway are eliminated by the diversion of a highway, the rule usually followed by the Board is to place the greater portion of the cost on the railway and the remainder on the municipality or municipalities interested. In the present case, two-thirds of the cost was apportioned to the railway and one-third to the local authorities.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated July 18, 1918, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 68.

In re APPLICATION OF THE RIBSTONE, ALTA., BOARD OF TRADE.

This was an application of the Ribstone Board of Trade, Alta., for an order directing the Grand Trunk Pacific Railway Company to erect a suitable station and employ a permanent agent at Ribstone.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 23, 1918, concurred in by Mr. Commissioner Boyce, and holding, having in mind the volume of business transacted there and the revenue the company received therefor, that an agent should be appointed and maintained at Ribstone on and after September 1, 1918.

In re APPLICATION OF RESIDENTS OF LOOMA, ALTA.

This was an application made to the Board by the residents in the vicinity of Looma, Alta., on the line of the Canadian Northern Railway, to have the station at this point moved to a more suitable location.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 23, 1918, concurred in by Mr. Commissioner Boyce, granting the application and directing that the station should be moved by the company to the new site on or before the 1st September, 1918.

IN THE MATTER OF INCREASES IN RAILWAY FREIGHT RATES IN CANADA, SIMILAR TO THE INCREASES ALREADY GRANTED IN AMERICAN TERRITORY UNDER THE McADOO AWARD, SO-CALLED.

By Order in Council, P.C. 1768, the Governor in Council, on account of the increased cost of living and that wages in Canadian territory should be increased as increased in American territory, provided that Government railway systems should make similar increases to their employees as were made by the American roads under the McAdoo Award.

The Order in Council further provided that should the privately-owned railway companies adopt the McAdoo schedule, the Board of Railway Commissioners was to prepare a schedule of rates which would grant similar increases in Canada to the increases granted in American territory, effective as of August 1, 1918.

The ex-Chief Commissioner, Sir Henry Drayton, went into the question very carefully, and in a report to Council dated July 25, 1918, deals exhaustively with the conditions in this country as compared with those in the United States territory, comparing the rates in force in the United States with those in Canada both prior to and after the McAdoo order would become effective, and made recommendations to Council providing for increases to the Canadian railways which, if adopted, would bring the Canadian rates practically in line with those enjoyed by the American railways under the McAdoo order. Speaking generally, the McAdoo order allowed a flat increase of 25 per cent over the rates theretofore enjoyed.

The recommendations of the Board were accepted by the Governor in Council, and, under the authority of the War Measures Act, 1914, by Order in Council, P.C. 1863, dated July 27, 1918, it was provided that the charges for the carriage of freight on all railways owned, operated, or controlled by the Government of Canada, and all other railways subject to the jurisdiction of the Parliament of Canada, be increased to the extent and in the manner following:—

TERRITORY EAST OF FORT WILLIAM.

Section 1.—Class Rates.

All class rates in eastern territory shall be increased twenty-five per cent.

Section 2.—Commodity Rates.

(*a*) Commodity rates on the following articles in carloads shall be increased by the amounts set opposite each:—

Commodities.	Increases.
Coal—	
Where rate is 0 to 49 cents per ton	15 cents per net ton of 2,000 pounds.
Where rate is 50 to 99 cents per ton	20 cents per net ton of 2,000 pounds.
Where rate is $1.00 to $1.99 per ton	30 cents per net ton of 2,000 pounds.
Where rate is $2.00 to $2.99 per ton	40 cents per net ton of 2,000 pounds.
Where rate is $3.00 or higher per ton	50 cents per net ton of 2,000 pounds.
Coke—	
Where rate is 0 to 49 cents per ton	15 cents per net ton of 2,000 pounds.
Where rate is 50 to 99 cents per ton	25 cents per net ton of 2,000 pounds.
Where rate is $1.00 to $1.99 per ton	40 cents per net ton of 2,000 pounds.
Where rate is $2.00 to $2.99 per ton	60 cents per net ton of 2,000 pounds.
Where rate is $3.00 or higher per ton	75 cents per net ton of 2,000 pounds.
Ores, iron	30 cents per net ton of 2,000 pounds except that no increase shall be made in rates on ex-lake ore that has paid increased all-rail rate before reaching lake vessel. The increase of 30 cents shall be added to tariffs in force prior to March 15, 1918, and the increases since allowed by the Board of Railway Commissioners struck out.
Stone, artificial and natural, building and monumental, except carved, lettered, polished or traced	2 cents per 100 pounds.
Stone, broken, crushed and ground	1 cent per 100 pounds.
Sand and gravel	1 cent per 100 pounds.
Brick, except enamelled or glazed	2 cents per 100 pounds.
Cement	2 cents per 100 pounds.
Lime and plasters	1½ cents per 100 pounds.
Lumber and other forest products not otherwise herein specifically dealt with	A flat rate of 1 cent per 100 pounds to be added to the tariffs in force prior to March 15, 1918, and the rate so obtained to be then increased by 25 per cent but not exceeding 5 cents per 100 pounds; the increase since granted by the Board of Railway Commissioners to be disallowed.

Section 2.—Commodity Rates.—Continued.

TERRITORY EAST OF FORT WILLIAM.—*Continued.*

Commodities.	Increases.
Pulpwood	25 per cent, but not exceeding an increase of 5 cents per 100 pounds.
Cordwood, slabs, and mill refuse, for fuel purposes	1 cent per 100 pounds.
Wheat	By striking out the limitation imposed of 2 cents per 100 pounds in the increase allowed by the Board of Railway Commissioners, effective March 15, 1918, and adding 25 per cent increase, but not exceeding 6 cents per 100 pounds.
Other grains, flour and other milled products	To be increased to the new wheat rates.
Live stock	25 per cent, but not exceeding an increase of 7 cents per 100 pounds where rates are published per 100 pounds, or $15 per standard 36 foot car where rates are published per car.
Packing-house products and fresh meats	25 per cent.
Bullion, base (copper or lead), pig or slab, and other smelter products	25 per cent.
Sugar, syrup, and molasses	By cancelling existing commodity rates and applying the fifth-class rate as increased hereunder.
Ice	25 per cent calculated on tariff in effect prior to March 15, 1918. Increases since allowed by the Board of Railway Commissioners to be disallowed.

(*b*) Commodity rates not included in the foregoing list shall be increased 25 per cent.

(*c*) In applying the increases prescribed in this section, the increased class rates applicable to like commodity descriptions and minimum weights between the same points are not to be exceeded.

TERRITORY WEST OF FORT WILLIAM.

Class Rates.

(*a*) All class rates shall be increased 25 per cent, calculated on the tariffs in force prior to March 15, 1918; the increases since allowed by the Board of Railway Commissioners to be disallowed.

Commodities.	Increases.
Coal and coke	Rates to be increased as rates on these commodities are increased hereunder in eastern territory.
Ores, iron	Rates to be increased as rates on these commodities are increased hereunder in eastern territory.
Ores, other	On ores not exceeding in value $25 per net ton, 1 cent per 100 pounds; on ores valued over $25 to $50, 2 cents per 100 pounds; on ores valued over $50 to $100, the 10th class rates of the merchandise distributing scale, as increased hereunder, shall apply; on ores over $100 in value the 10th class rates of the merchandise standard scale, as increased hereunder, shall apply.
Stone (artificial and natural), building and monumental, except carved, lettered, polished, or traced	By the addition of 2 cents per 100 pounds to the tariff in force prior to March 15, 1918; the increases subsequently granted by the Board of Railway Commissioners to be disallowed.

TERRITORY WEST OF FORT WILLIAM.—*Continued.*

Class Rates.—Continued.

Commodities.	Increases.
Stone, broken, crushed, and ground; also sand and gravel	By the addition of 1 cent per 100 pounds to tariffs in force prior to March 15, 1918; the increases since allowed by the Board of Railway Commissioners to be disallowed.
Brick, except enamelled or glazed	By the addition of 2 cents per 100 pounds to the tariffs in force prior to March 15, 1918; the increases since granted by the Board of Railway Commissioners to be disallowed.
Cement	2 cents per 100 pounds.
Lime	1½ cents per 100 pounds on the tariffs in force prior to March 15, 1918; the increases since allowed by the Board of Railway Commissioners to be disallowed.
Lumber	25 per cent, but not exceeding an increase of 5 cents per 100 pounds.
Grain and grain products to Fort William and Port Arthur	By the addition of the increases granted under the McAdoo Order for similar mileages in adjacent American territory, to the rates in effect prior to March 15, 1918. Where more than one tariff of an American carrier in an adjacent state exists, the rate increase shall be that allowed on the lowest normal rate for the same or similar mileages in such contiguous territory under the McAdoo Order; the increases since granted by the Board of Railway Commissioners to be disallowed. Provided that the rates on said products shall not be greater from the city of Edmonton than from the city of Calgary.
Grain, and grain products between local points and to the Pacific coast	By the addition of 25 per cent, but not exceeding an increase of 6 cents per 100 pounds to tariffs in effect prior to March 15, 1918, and by disallowing the increases since made by the Board of Railway Commissioners.
Live stock	By the addition of 25 per cent, but not exceeding an increase of 7 cents per 100 pounds where rates are published per 100 pounds, or $15 per standard 36-foot car where rates are published per car; increases to be based on tariffs in effect prior to March 15, 1918, and the increases since allowed by the Board of Railway Commissioners to be disallowed.
Packing-house products and fresh meats	By the addition of 25 per cent to the tariffs in effect prior to March 15, 1918, and increases since allowed by the Board of Railway Commissioners to be disallowed.
Bullion, base (copper or lead), pig or slab, and other smelter products	Rates from British Columbia smelters to Toronto and Hamilton to take the rates from the contiguous American smelting and shipping point, namely, Northport, Wash., to Buffalo, viz., 71½ cents per 100 pounds, Montreal to take the New York rate of 81½ cents per 100 pounds. Rates to Canadian points, other than points in eastern Canadian territory, to be advanced 25 per cent. Rates on zinc for domestic consumption to be the same as on copper and lead.
Sugar, syrup, and molasses	To be made on the basis and principle adopted hereunder for eastern territory.

(*b*) Commodity rates not included in the foregoing list shall be increased 25 per cent, calculated on the tariffs in force prior to March 15, 1918, and the increases since authorized by the Board of Railway Commissioners to be cancelled.

(*c*) In applying the increases prescribed in this section, the increased class rates applicable to like commodity descriptions and minimum weights between the same points are not to be exceeded.

TERRITORIES BOTH EAST AND WEST.

Minimum Charges.

(*a*) After the increases hereunder made in class rates, no rates shall be applied on any traffic moving under class rates lower than the amounts in cents per 100 pounds for the respective classes as follows:—

Classes	1	2	3	4	5	6	7	8	9	10
Rates	24	21	18	15	12	11	9	10	10	7½

(*b*) The minimum charges on less than carload shipments shall be as provided in the Canadian Freight Classification, but in no case shall the charge on a single shipment be less than fifty cents.

(*c*) Class rates.

	Increases.
Class rates between eastern and western points	That portion of the rate applicable to eastern territory to be increased 25 per cent, and that portion applicable to western territory, 25 per cent. based on the rate in effect prior to March 15, 1918. The advances subsequently allowed by the Board in western territory shall be disallowed.
Commodity rates between eastern and western points	On that portion of the rate applicable to eastern territory, the appropriate increase granted hereunder for the commodity for local movements in eastern territory; and on the western portion, the appropriate increase granted hereunder for the commodity for local movement in western territory. The advances allowed by the Board of Railway Commissioners in western territory, effective March 15, 1918, shall be disallowed.
(*d*) Import rates	To be increased, subject, as a maximum, to the lowest rates obtaining from Baltimore or any North Atlantic seaport in the United States to the same destinations, except that the rates from Halifax shall be increased so as to continue on the present relative basis.

(e) Disposition of Fractions.

In applying rates, fractions shall be disposed of as follows:—

(1) Rates in cents or in dollars and cents per 100 pounds or per package:—
Fractions of less than ¼ or 0·25 to be omitted.
Fractions of ¼ or 0·25, or greater, but less than ¾ or 0·75, to be shown as one-half (½).
Fractions of ¾ or 0·75, or greater, to be increased to the next whole figure.

(2) Rates per ton:—
Amounts of less than five cents to be omitted.
Amounts of five cents, or greater, but less than ten cents, to be increased to ten cents.

(3) Rates per car:—
Amounts of less than twenty-five cents to be omitted.
Amounts of twenty-five cents, or greater, but less than seventy-five cents, to be shown as fifty cents.
Amounts of seventy-five cents, or greater, but less than one dollar, to be increased to one dollar.

(f) Observance of Differentials.

In establishing the freight rates herein ordered, while established rate groupings and fixed differentials are not required to be used, their use is desirable, if found practicable, even though certain rates may result which are lower or higher than would otherwise obtain.

(*g*) All schedules, viz., tariffs and supplements, published under the provisions of this Order shall bear on the title-page the following, in bold-face type:—

This schedule is published and filed on one day's notice with the Board of Railway Commissioners for Canada, pursuant to Order in Council No. ....

The said Order in Council P.C. 1863 further directed that the Board should obtain from the three larger systems, that is to say, the Grand Trunk, Canadian Pacific, and Canadian National Railways, results of railway operation per month, and report on the same monthly to His Excellency in Council, to the end that should the earnings of the said companies, under this order, be greater than the sum required to meet increased costs and permit transportation to be properly and efficiently carried on, the proper reductions in the rates fixed thereunder should be made. It was further provided that the rates prescribed thereunder be effective, if filed with the Board of Railway Commissioners, as and from the 1st of August, and to remain in force for the duration of the war. These rates were continued in effect, by General Order of the Board No. 276, dated December 31, 1919, on and from January 1, 1920.

BEVERLY COAL MINE AND HUMBERSTONE COAL COMPANIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

A spur line constructed under the provisions of section 22 does not become part of the railway from whose line it is built under the provisions of an agreement with the owner providing that the railway company furnish the rails, ties and fastenings, which remain their property, and the owner provides the right of way even if no reference is made to such agreement in the Board's order authorizing the construction of the spur, and the Board has no jurisdiction to authorize an adjoining owner to use such spur.

Blackwoods Manitoba Brewing & Malting Co. v. *Canadian Northern Ry. Co. and city of Winnipeg, 44 S.C.R. 92, 12 Can. Ry. Cas. 45; Clover Bar Coal Co.* v. *Humberstone Grand Trunk Pacific Ry. and Clover Bar Sand & Gravel Cos., 45 S.C.R. 346, 13 Can. Ry. Cas. 162; Boland* v. *Grand Trunk Rg. Co., 18 Can. Ry. Cas. 60; Kammerer* v. *Canadian Pacific Ry. Co. 21 Can. Ry. Cas. 74, followed.*

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 31, 1918, the Assistant Chief Commissioner dissenting. 23 Can. Ry. Cas. 64.

CANYON CITY LUMBER COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

A carrier which, for the convenience of shippers or consignees and at their request, places their cars on a private siding owned by other parties, is entitled to charge against such shippers or consignees the amount of compensation payable by the carrier to the owners of the siding for such use of it.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 30, 1918, concurred in by Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 9.

SESSIONAL PAPER No. 20c

In re APPLICATION OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

This was an application of the Brotherhood of Locomotive Engineers for an Order directing that all switch and transfer engines be equipped with wedge tanks, low enough for enginemen to see over, and with a headlight on the rear.

It appeared that a number of railway companies under the jurisdiction of the Board have switching engines equipped with a sloping tender so that the engineer when backing the engine can see a man whose duty it would be to couple the engine to a car. This would, doubtless, lead to the prevention of an accident where the tender is being coupled to a car, but in many cases of shunting, the car which is being attached or separated from the train, is not next the engine, but some distance away from it. In such a case where there is a box car between the man on the ground and the engineer, the box car obstructs the view and the sloping tender is of no avail. Some railway officials object to sloping tenders, because the capacity of the tender for carrying coal and water must be curtailed.

The Operating Department of the Board reported that in so far as equipping the rear of tenders with headlights was concerned that, as a matter of fact, nearly all the switchers now in use are so equipped; that a headlight on the rear end of a tender would, of course, be obstructed by a box car attached to the tender, as the view of the Engineer would be obstructed by a box car.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 31, 1918, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce, dismissing the application.

SIMILKAMEEN FARMERS INSTITUTE V. CANADIAN PACIFIC AND GREAT NORTHERN RAILWAY COMPANIES.

Connecting carriers should route shipments of vegetables and fruit via the shortest possible mileage routes and file appropriate tariffs of tolls.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 31, 1918, concurred in by Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 125.

In re APPLICATION OF THE FORT FRANCES PULP AND PAPER COMPANY.

This was an application of the Fort Frances Pulp and Paper Company to the Board for an Order compelling the Grand Trunk and Canadian Northern Railway Companies to re-establish joint commodity rates on wood pulp from Bromptonville, P.Q., to Fort Frances, Ontario.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, August 2, 1918, concurred in by Mr. Commissioner Boyce, to the effect that in view of the general increase in freight rates granted by the Governor in Council, by Order dated July 27, 1918, it would seem not unreasonable to increase the rate in accordance therewith, and that such increase should be made effective not later than August 15, 1918.

In re APPLICATION OF MUNICIPAL CORPORATION OF THE TOWNSHIP OF COLCHESTER SOUTH, ONTARIO.

This was an application of the Municipal Corporation of the township of Colchester South for an order establishing a highway crossing over the line of the Père Marquette Railroad, so as to connect up the highway with Oak street, in the Village of Harrow, Ontario.

The facts are fully set out in the judgment of Chief Commissioner Drayton, August 9, 1918, concurred in by Mr. Commissioner McLean, that in the opinion of the Board and in the interests of public safety the application should be refused.

IN *re* APPLICATION OF FRANK DECICCO AND MARY DECICCO, NORTH BAY, ONT., *et al.*

This was an application of Frank Decicco and Mary Decicco, of North Bay, and others, for compensation arising from the construction of the right of way of the Canadian Northern Railway Company through the town of North Bay, and for damages. The matter had already been before the Board at a previous hearing when judgment was delivered. Since the delivery of judgment a by-law was passed by the town of North Bay on the 24th June, 1918, legislating for the stopping up and closing of those portions of the streets and highways in North Bay in question herein and referred to in the said judgment. The by-law passed was the by-law which originally by Order No. 20500 the municipality undertook to pass, the Order being based upon that undertaking as well as the undertaking of the railway company as to payment of compensation or damages.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, August 15, 1918, concurred in by Chief Commissioner Drayton and Mr. Commissioner McLean, expressing an opinion that the Board should make no Order but leave all questions to be determined as originally contemplated. 23 Can. Ry. Cas. 35.

NEW MINAS FRUIT COMPANY V. DOMINION ATLANTIC RAILWAY. COMPANY.

The Board has no jurisdiction under section 284 to direct that facilities, such as sidings, should be installed between stations, and the fact that such siding has been installed by agreement between the parties does not extend the powers of the Board.

Kammerer v. Canadian Pacific Railway Company, 21 Can. Ry. Cas. 74, at p. 75 followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated August 16, 1918, concurred in by the Chief Commissioner. 24 Can. Ry. Cas. p. 97.

WOLFVILLE FRUIT COMPANY V. DOMINION ATLANTIC RAILWAY COMPANY.

Where the trackage for siding facilities offered by a railway company will only serve a particular site but does not give suitable accommodation for the warehouse of the applicant, the railway company may be ordered to provide siding facilities for the site selected by the applicant, but at no greater cost than if these facilities were furnished at the site proposed by the railway company.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated August 17, 1918, concurred in by the Chief Commissioner. 24 Can. Ry. Cas. p. 11.

BOLE GRAIN COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

The practice of carriers in endorsing on a bill of lading, the provision "shippers load and count" where cars are loaded by the shipper on private sidings and not checked by the carrier, is reasonable and lawful. See sections 284 (7), 340.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated August 8, 1918, concurred in by the Assistant Chief Commissioner. 24 Can. Ry. Cas., p. 25.

In re APPLICATION OF MESSRS. DAVIDSON & SMITH.

This was an application of Messrs. Davidson & Smith to the Board for an order directing the Canadian Northern Railway Company to allow the Canadian Pacific Railway Company to switch cars to and from the Canadian Government Elevator at Port Arthur over the Canadian Northern Railway spur and property from and to the

Canadian Pacific railway, so as to afford the applicant the same privileges as the Canadian Government Elevator, Port Arthur, Ont.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, September 10, 1918, concurred in by the Assistant Chief Commissioner, deciding that an order should go authorizing the Canadian Pacific Railway Company to use and operate the branch spur of the Canadian Northern Railway Company into the elevator of the applicants, subject to certain conditions as set out in the Board's previous Order No. 20593 in so far as they may be applicable to the joint operation of that part of the spur.

MUNICIPALITY OF MORSE V. CANADIAN PACIFIC RAILWAY COMPANY.

Where a highway is senior to a railway which crosses it, it is the practice of the Board to exempt the municipality controlling the highway from any contribution to the cost of installation or maintenance of an electric bell to protect the crossing.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 17, 1918, 24 Can. Ry. Cas., p. 64.

LETHBRIDGE BOARD OF TRADE *et al* V. CANADIAN PACIFIC RAILWAY COMPANY.

As traffic increases, train service must be increased, but even where business is decreasing, such minimum train service as will enable the necessary and ordinary business of the country to be carried on should be given.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated September 30, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 34.

MARTIN & ROBERTSON AND IMPERIAL RICE MILLING COMPANY V. CANADIAN FREIGHT ASSOCIATION.

A carrier is not obliged to meet water competition, and is free in its discretion to take out low competitive tolls provided there is no unjust discrimination, and the tolls made effective are reasonable in themselves.

The Board refused to restore a toll on rice in carloads (60,000 pounds minimum) of 65 cents per 100 pounds from Vancouver and Victoria to Toronto and Montreal points, in place of a toll of 75 cents (30,000 pounds minimum) temporarily reduced on account of water competition.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated October 3, 1918, concurred in by Mr. Commissioner Boyce. 24 Can. Ry. Cas. p. 141.

CAR DEMURRAGE RULES: FILE 1700.234.

Judgment, Chief Commissioner Drayton, dated October 25, 1918, concurred in by Commissioner Boyce:—

A letter has been received by the Board from the James Shearer Company, Limited, of Montreal, as follows:

"At our yards in Montreal we are practically tied up on account of the epidemic of Spanish Influenza, and we find that the Eagle Lumber Co. at St. Jerome, to whom we are shipping material to be dressed for us, are in the same predicament and in all probability cars will be under demurrage before we can even start to unload them.

"As this is a matter entirely beyond our control, we would ask if it is not possible to make special arrangements to have the demurrage charges withheld until the epidemic subsides.

"We trust you will be able to do something to relieve us, otherwise we shall be heavily penalized by the railways due to the unavoidable illness of our employees."

The Car Demurrage Rules do not cover a case of this character. While the rules arrived at were largely the result of negotiation and agreement between shippers and companies, a condition such as the present was never contemplated. There is no doubt as to the effect of the present epidemic. The railways themselves are unable to handle freight concurrently. A large number of cars set out for movement cannot be moved simply because so many of the railroad men are suffering from the Influenza that it is impossible for the railways to move them. This fact is well known and has been recognized by the shipping public.

Precisely the same conditions apply to the employees of industrial and other plants. As I see it, it would be absolutely unfair and improper to penalize shippers who cannot accept cars owing to the ravages worked by the epidemic on their employees. The matter is one absolutely beyond their control. Demurrage ought not to be charged under such conditions; and in my opinion the railways ought to be advised that demurrage ought not to be charged, and that if necessary the appropriate amending Order will be made as of this date.

OKANAGAN VALLEY GROWERS ET AL V. CANADIAN FREIGHT ASSOCIATION.

Where the shortage of refrigerator cars has been relieved by supplying lined and racked box cars, but the carrier has been unable to secure a sufficient number of heaters for them, such heaters ought to be supplied as far as possible at the tolls provided by the tariffs, but in cases where heaters are supplied by the shippers, the carrier is entitled to no remuneration, and should also return the shippers' heaters from destination to point of origin free of cost.

During the shortage of 1917-18 caused by the European war, the Board declined to direct carriers to supply men to see that heaters in cars were properly looked after, when under the tariff shippers' messengers are provided with free transportation for that purpose.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated October 25, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 55.

Re GENERAL INTERSWITCHING SERVICE, GENERAL ORDER NO. 230.

The Board's General Order No. 230 changed the interswitching practice in that it compelled railway companies to give interswitching instead of merely extending it at certain points as a matter of grace, and also threw open the interswitching service, not only to and from private sidings, but also to team tracks. Owing to protests made, the operation of the Order had been stayed.

The facts are fully set out in the judgment of Chief Commissioner Drayton, October 26, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. 324, that effect be given to the protests of the Canadian Manufacturers Association, the Winnipeg Board of Trade, and the Border Chamber of Commerce of Windsor, and that paragraph No. 14 of the Board's General Order No. 230 be struck out and the following substituted therefor:—

> "Should a team track shipper expressly order his shipment to be interswitched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination, itself, or through its connections, or by interswitching, the same delivery and facilities as the said other carrier at no greater charge, the said initial carrier may, in lieu of the toll prescribed in Section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

"Provided, however, that this alternative shall not be lawful, and Section 6 shall apply, if within forty-eight hours after the shipper has requested it, the said initial carrier fails to place a suitable car reasonably convenient for loading."

In re APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY TO AMEND THE BOARD'S ORDER NO. 27225.

This was an application of the Canadian Pacific Railway Company for an order amending the Board's Order No. 27225, dated May 15, 1918, issued on the application of the Canadian Northern Railway Company for approval of proposed trackage serving elevator sites at Current River, Port Arthur, Ontario, to provide for separate access for the Canadian Northern Railway Company and the applicant company to the elevators.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 4, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, that the arrangement that had been come to between the companies ought to be given effect to and the appropriate order issue, subject to the condition that the cars of one company set out for placing by the switching service of the other shall not be discriminated against, but shall be lifted and placed having regard to their priority on the standout tracks.

In re TORONTO, HAMILTON AND BUFFALO RAILWAY, KINNEAR YARD.

The question involved herein was left for some considerable time with the parties interested, with such directions as the Board thought would enable a proper solution of the immediate difficulty to be solved. No final conclusion having been arrived at between the parties, and the Toronto, Hamilton and Buffalo Railway Company insisting upon its statutory rights and Orders of expropriation, the matter came before the Board for final decision.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 4, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, and directing that an order should go granting the application of the Toronto, Hamilton and Buffalo Railway Company for the expropriation of the lands mentioned, and that a further order should also go granting the Railway Company's application for the expropriation of the Pressed Brick Company's property, upon and subject to the same terms and conditions.

In re APPLICATION OF THE CITY OF TORONTO AND BELL TELEPHONE COMPANY.

This was an application of the city of Toronto for an order giving Messrs. Clarkson, Gordon & Dilworth, chartered accountants, access to the books of the Bell Telephone Company, in order that they might ascertain whether the requested increase in the telephone tolls of the Bell Telephone Company was warranted.

A further application in this connection was made by the municipal corporations of the cities of Montreal and Hamilton and by the Union of Canadian Municipalities for an order directing the delivery of particulars by the Bell Telephone Company.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 6, 1918, concurred in by Deputy Chief Commissioner Nantel, Mr. Commissioner Goodeve and Mr. Commissioner Boyce, that an order should go for certain particulars to be furnished by the Bell Telephone Company.

BELL TELEPHONE COMPANY V. CITY OF LONDON.

The Board has no jurisdiction under sections 247, 248, to make the payment of rent as compensation, a term of an order approving the location and construction

of telephone lines upon, along, across or under a public highway, or to impose any condition, for which a municipality may contend in bargaining with a telephone company, a term or condition of such order.

City of Windsor v. Bell Telephone Co., 22 Can. Ry. Cas. 416; Bell Telephone Co. v. City of Ottawa and County of Carleton, 22 Can. Ry. Cas. 421, followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated November 13, 1918, concurred in by the Chief Commissioner and Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 102.

In re APPLICATION OF THE BRITISH COLUMBIA ELECTRIC RAILWAY COMPANY TO INCREASE COMMUTATION FARES.

This was an application of the British Columbia Electric Railway Company for permission to increase the commutation fares for the carriage of passengers between points on the Vancouver and Fraser Valley Railway covered by tariff B. C. Electric No. 11, C.R.C. No. 5, to basis as outlined in B.C.E.R. No. 19, C.R.C. No. 7.

Tariffs had been filed by the British Columbia Electric Railway providing for increases in passenger commutation rates on its Burnaby Lake line which is comprised in the Vancouver, Fraser Valley and Southern Railway, said line being subject to the Board's jurisdiction.

It was contended by the railway that increases in costs justified the increases in rates asked for.

The facts are fully set out in the judgment of Mr. Commissioner McLean, November 14, 1918, concurred in by Chief Commissioner Drayton and Mr. Commissioner Goodeve, deciding that an order should go permitting the increases as covered by tariff filed, to become effective on ten days' notice.

Application in re *Montreal and Southern Counties Railway Company, and in* re *Hamilton Electric Railway Co., followed.*

In re DEMURRAGE RULES—INFLUENZA EPIDEMIC.

On October 25, 1918, judgment was issued by the Board providing that demurrage should not be charged where shippers were unable to accept cars owing to the ravages worked by the influenza epidemic among their employees.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 25, 1918, concurred in by Mr. Commissioner McLean and Mr. Commissioner Boyce, providing that applicants for relief under the Board's order should file with the Car Service Bureau, or with the immediate railway company interested, evidence in writing, either by affidavit or declaration, giving particulars as directed by the Board.

TOWN OF WATERLOO *et al* V. GRAND TRUNK RAILWAY COMPANY.

Carriers in their discretion may fix tolls to develop business; the Board's jurisdiction is concerned only with the reasonableness of tolls.

Canadian Portland Cement Company v. Grand Trunk and Bay of Quinte Railway Companies, 9 Can. Ry. Cas. 211; Blaugas Company v. Canadian Freight Association, 12 Can. Ry. Cas., 303, at p. 304; British Columbia News Company v. Express Traffic Association, 13 Can. Ry. Cas., 76, at p. 78; Hudson Bay Mining Company v. Great Northern Railway Company, 16 Can. Ry. Cas. 254, at p. 259; Canadian China Clay Company v. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies, 18 Can. Ry. Cas., 347; Roberts v. Canadian Pacific Railway Company, 18 Can. Ry. Cas. 350, followed.

The Board upholding the principle of charging on the unit of weight, refused to grant a flat toll instead of a toll by weight on shipments of wood from Algonquin Park, Ontario, to municipalities for distribution among their citizens at cost.

The Board has no power under section 341(*a*) to extend the carriage of traffic so as to include a practice not already existing where no question of unjust discrimination arises. The granting of the tolls provided for by section 341 is permissive so far as the carrier is concerned; the jurisdiction of the Board under that section is simply amendatory.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated November 30, 1918, concurred in by the Chief Commissioner and Mr. Commissioner Boyce. 24 Can. Ry. Cas. p. 143.

In the matter of the application of the Bell Telephone Company of Canada for leave to increase its rates; and the applications of the City of Montreal (1) for particulars, (2) to amend Order No. 27848, (3) for an Order directing the Bell Telephone Company to furnish the City of Montreal with copies of all data, figures, etc., and (4) that if any increases in tolls, rates, etc., are granted the Bell Telephone Company the same shall be temporary and for a limited period of time.

The Board, on the application of municipalities, including the city of Montreal, made an order, general in its terms, for delivery of particulars by the Bell Telephone Company. Since that order was made the city of Montreal secured the services of an expert, and as a result of his advice further particulars were desired. At the city's request the matter was set down for hearing.

In addition to the application for particulars, the city asked that any rates that might be fixed on the company's application for increases be temporary only.

The evidence of the city's expert was to the effect that because of abnormal conditions an emergency existed, and the company should not be required to go into extensive appraisals and inventory investigations of property, but that they give an analysis of the earnings and operating expenses for a number of years; that in the meantime, and where the rate based on such analysis was in force, the company prepare a full inventory and appraisal of its property, the Board retaining such control of the case as not to affect the burden of proof by temporary relief given under its order.

The Chief Commissioner, Sir Henry Drayton, in his judgment dated December 5, 1918, concurred in by Commissioners McLean, Goodeve, and Boyce, gave effect to the spirit of the application and allowed temporary increases. No limited time was fixed, the rates to remain in force until operating costs and plant values became normal, when the question of permanent rates would be considered.

The application was treated as current, so that the onus of showing what the proper rate was would rest upon the company. The company at the same time was required to furnish the further detailed particulars specifically set out in the judgment.

IMPERIAL STEEL AND WIRE COMPANY V. GRAND TRUNK AND CANADIAN PACIFIC RAILWAY COMPANIES.

Tariffs of tolls should be interpreted literally without reference to unexpressed intentions of carriers framing them.

Upon the proper construction of the Tariff C.R.C. E. 3677, which specifically names Collingwood as a point taking Toronto tolls, a shipper at Collingwood is entitled to the same toll as a shipper at Toronto on nails for export to China and Japan via Pacific Coast ports.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 6, 1918, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas. p. 150.

In re INCREASED MINIMUM WEIGHT ON CANNED GOODS IN CARLOADS.

Complaints were made to the Board as to the increase in the minimum weight applicable to canned goods, in carloads, moving at commodity rates. These complaints were forwarded from points in New Brunswick, Nova Scotia, Prince Edward Island, and Ontario.

The question was taken up actively by the Board with the Canadian Railway War Board, which in the first instance commenced the campaign for heavier loadings. Owing to car shortages and the great expense in railway operation, it was apparent to everybody that, to the full extent that minima could be increased and a more intensified use made of the equipment available for public business, without at the same time throwing burdens upon the traffic carried, increases ought to be made; and these increases, speaking generally and apart from the question of flour, which was specifically dealt with by the Board, were arrived at by conferences with interested shippers. No action whatever was taken by the Board in connection with canned goods.

The facts are fully set out in the judgment of Chief Commissioner Drayton, December 6, 1918, concurred in by Mr. Commissioner McLean, holding that no action should be taken on the present application, but that the matter be left open for future consideration on any complaint which interested parties may desire to make subsequent to the declaration of peace.

COMPLAINT OF THE DOMINION CANNERS, LIMITED, OF HAMILTON, ONTARIO, AGAINST THE CANCELLATION BY THE CANADIAN NORTHERN RAILWAY OF SEVERAL CARLOAD COMMODITY RATES ON CANNED GOODS FROM POINTS ON ITS LINE TO POINTS IN QUEBEC AND THE MARITIME PROVINCES. FILE 27256.4.

Judgment, Chief Commissioner Drayton, dated December 6, 1918, concurred in by Commissioner Goodeve.

This application was heard at the Board's sittings in Toronto on Thursday, October 17, 1918. It was represented by the Canadian Northern Railway Company that these rates were cancelled by the Intercolonial Railway, and that the Canadian Northern, while perfectly willing to maintain rates, could not maintain them in view of the attitude of the Intercolonial.

At this time the Intercolonial system was operated independently of the Canadian Northern, and the Intercolonial, as a Government road, was not subject to the jurisdiction of the Board. The matter, however, was taken up by the Board with the management of the Intercolonial with the view of adjusting the situation if possible. The Intercolonial management has taken the stand that it did not cancel the rates or require their cancellation, but that they were cancelled by the Canadian Northern.

It would appear that the real difficulty between the systems interested rests on divisions. The rates ought never to have been taken out. Whatever the merits may be as between the different systems, the matter is now entirely in the hands of the management of the Canadian Northern, who now control and operate the Intercolonial system. I am of the opinion that an order should go providing that the former joint rates, as increased by the Order in Council No. P.C. 1863, should immediately be put into effect by the Canadian Northern. The district suffering is entitled to the service, and the necessary order ought now to go.

RENFREW MACHINERY COMPANY V. CANADIAN FREIGHT ASSOCIATION.

The Board will not order initial switching carriers to issue through bills of lading covering interswitching traffic over their lines and the lines of carriers who enjoy the line haul; in the absence of arrangement, two bills of lading are necessary, one by the switching carrier and the other by the line haul carrier.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 9, 1918, concurred in by Mr. Commissioner McLean and Mr. Commissioner Boyce, 24 Can. Ry. Cas., p. 31.

BURLINGTON BEACH COMMISSION ET AL., V. HAMILTON RADIAL ELECTRIC RAILWAY COMPANY

A toll is unreasonable where it is too low just as much as where it is too high. Tolls must be reasonable, having regard to the carrier just as much as to the travelling public.

Under the established practice, train service without such cash remunerative revenues as will enable the carrier to continue its operations cannot be ordered by the Board under the Railway Act, but in view of municipal by-laws and agreements confirmed by section 10 of 7 and 8 Edward VII, chapter 177 (O), the Board can only exercise in the present instance the jurisdiction which enables it to order that the by-laws should be carried out by furnishing the train service stipulated for therein, even though such service cannot be furnished except at a loss to the company.

Hamilton Radial Electric Railway Company v. City of Hamilton et al., 23 Can. Ry. Cas. 114, followed.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 10, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 39.

GRAND TRUNK RAILWAY COMPANY V. KITCHENER AND WATERLOO STREET RAILWAY COMPANY.

A steam railway does not lose its seniority at a crossing on the highway of an electric street railway when the electric railway is acquired by the municipality.

Canadian Pacific Railway Company v. City of Toronto, 7 Can. Ry. Cas. 274, affirmed; City of Toronto v. Canadian Pacific Railway Company (1908), A.C. 54, 7 Can. Ry. Cas. 282; Grand Trunk Railway Company v. United Counties Railway Company (St. Hyacinthe Crossing case), 7 Can. Ry. Cas. 294; Canadian Northern Railway Company v. Canadian Pacific Railway Company (Kaiser Crossing case), 7 Can. Ry. Cas. 297, followed; Edmonton Street Railway Company v. Grand Trunk Pacific Railway Company, 14 Can. Ry. Cas. 93 affirmed; Grand Trunk Pacific Railway Company v. Edmonton Street Railway Company (Twenty First Street Crossing case), 15 Can. Ry. Cas. 445; City of Edmonton v. Grand Trunk Pacific and Canadian Pacific Railway Companies (Syndicate Avenue Crossing case), 15 Can. Ry. Cas. 443, distinguished.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated December 30, 1918, 24 Can. Ry. Cas., p. 13.

WARRINGTON ET AL., V. CANADIAN FREIGHT ASSOCIATION.

Live poultry in carloads is not entitled to the same classification and the same tolls as live stock, and in making a freight toll re-shipment of the finished product is always taken into consideration.

Poultry shipments move under a lower classification in Canada than in the United States, and third-class rating for live poultry in carloads is not unreasonable.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Goodeve, dated January 18, 1919, concurred in by the Chief Commissioner and the Deputy Chief Commissioner. 24 Can. Ry. Cas., p. 155.

TORONTO TERMINALS RAILWAY COMPANY V. CITY OF TORONTO AND TORONTO HARBOUR COMMISSIONERS.

Where a railway company's Act of incorporation, 6 Edward VII, chapter 70, section 9, enables it to "construct, maintain and operate". . . . equipment and appliances for the supply of heat, light, water and power, then under sections 2 (21), 235, 237, of

the Railway Act, the Board has jurisdiction to authorize the company to lay and maintain across public highways conduits containing pressure steam.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated January 21, 1919, concurred in by Mr. Commissioner McLean and Mr. Commissioner Goodeve. 24 Can. Ry. Cas. 71.

MUNICIPALITY OF BURNABY AND BRITISH COLUMBIA ELECTRIC RAILWAY. FILE 28439.

Judgment, Chief Commissioner Drayton, dated January 30, 1919, concurred in by Commissioner McLean.

The municipality has applied for leave to appeal on question of law to the Supreme Court. I find some difficulty in ascertaining from the record the precise position of the parties as resulting under agreements. Owing to the necessities and position of the company, and the fact that the Board had in other cases held that the Board's jurisdiction under the Act was trammelled by agreements which had not been adopted by the Dominion Parliament, the Board is not directly concerned with this phase of the situation. In view of the fact that the municipality desires to raise the question of the Board's power to deal with any question as against the terms of its agreement, and the further fact that the practice of the Board is to grant leave to appeal on any legal point that is open to reasonable controversy, it is necessary that the question of the applicability of the agreement should be determined. The attention of the parties is called, on the one hand, to the recital of the agreement of 1913, which reads:—

> "And whereas the said company in pursuance of the terms of the said agreement caused some seven and one-half miles of electric tramway to be constructed through the district of Burnaby, which tramway has been in operation for some time past;
>
> "And whereas in the opinion of the present municipal council of the said corporation the said agreement and by-law authorizing the execution of same are invalid by reason of same not having been submitted for approval to the electors of the district of Burnaby prior to the final passage of said by-law and the execution of the said agreement;
>
> "And whereas the said company is of the opinion that it was unnecessary to submit the said by-law and agreement for the approval of the electors of the district of Burnaby prior to the final passage of said by-law and execution of said agreement, and that the said by-law and agreement are valid;"

and succeeding recitals indicating that the intention of the parties was to come to an agreement covering *inter alia* a railway already constructed and, therefore, presumably the line in question.

On the other hand attention is called to section 33 of the agreement which provides that the agreement is applicable only to electric street railways or tramways constructed by the company upon streets within the district of Burnaby under the terms of the agreement, and shall in no wise be deemed to refer to or be applicable to any part of the company's Westminster-Vancouver interurban tramway (presumably the line in question), or any electric street railway or tramway which the company may construct on land acquired by the company in the district of Burnaby.

Attention is also called to the further fact that the record does not show any construction of lines as contemplated by the agreement of 1913, and to the further fact that the line of the company now operated would appear to be constructed on a private right of way.

In view of the fact that the Board will shortly hold a sitting in Vancouver, the application for leave to appeal to the Supreme Court had better be set down at that sitting so as to enable the concrete facts applicable to be properly stated and the fact as to whether or not the company has constructed any railway to which the terms of the agreement of 1913 do in fact apply.

SESSIONAL PAPER No. 20c

TOWN OF THOROLD V. GRAND TRUNK AND NIAGARA, ST. CATHARINES AND TORONTO RAILWAY COMPANIES.

Where, upon the application of a municipality, the Board directs the construction of an interchange track, as a necessary facility for the handling of traffic, the applicant municipality will not be ordered to contribute any portion of the costs of the work as being "interested or affected" within the meaning of section 59 of the Railway Act.

In re Canadian Pacific Ry. Co. and County and Township of York, 27 O.R. 559, 25 A.R. 65, 1 Can. Ry. Cas. 36, 47; Grand Trunk Ry. Co. v. City of Kingston et al., 8 Ex. C.R. 349, 4 Can. Ry. Cas. 102; Ottawa Electric Ry. Co. v. City of Ottawa and Canada Atlantic Ry. Co. (Bank Street Crossing case), 37 S.C.R. 354, 5 Can. Ry. Cas. 131; City of Toronto v. Grand Trunk Ry. Co., 37 S.C.R. 232, 5 Can. Ry. Cas. 138; Grand Trunk Ry. Co. v. Canadian Pacific Ry. Co. and City of London (London Interswitching case), 6 Can. Ry. Cas. 327; Grand Trunk Ry. Co. v. Village of Cedar Dale, 7 Can. Ry. Cas. 73, at pp. 77, 78; City of Toronto v. Canadian Pacific Ry. Co. (1908) A.C. 54, 7 Can. Ry. Cas. 282; County of Carleton v. City of Ottawa, 9 Can. Ry. Cas. 154; British Columbia Electric Ry. Co. v. Vancouver, Victoria and Eastern Ry. and Nav. Co. and City of Vancouver (1914), A.C. 1067, 18 Can. Ry. Cas. 287; Toronto Ry. Co. v. Canadian Pacific Ry. Co. and City of Toronto (Avenue Road Subway case), 53 S.C.R. 222, 20 Can. Ry. Cas. 280, followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated January 31, 1919, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 21.

ST. LAWRENCE PULP AND LUMBER CORPORATION V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board refused to give a ruling that a special toll which had already expired was unreasonable, where no further shipments will be made, and the ruling was desired solely for the purpose of claiming a refund from a higher toll charged on the shipment in question.

British American Oil Co. v. Canadian Pacific Ry. Co., 12 Can. Ry. Cas. 327, at p. 333, followed; British American Oil Co. v. Grand Trunk Ry. Co. (The Stoy case), 9 Can. Ry. Cas. 178; Canadian Condensing Co. v. Canadian Pacific Ry. Co., 12 Can. Ry. Cas. 1, at p. 3, referred to.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated February 5, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 107.

BESSETTE V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board has no jurisdiction, under section 26 (2), 284, or otherwise, to direct the removal, as a public nuisance, of a stock pen on the railway.

Bennett v. Grand Trunk Ry. Co., 2 O.L.R. 425, 1 Can. Ry. Cas. 451, referred to.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated February 10, 1919, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 113.

APPLICATIONS OF THE VILLAGE OF WESTBORO AND THE TOWNSHIP OF NEPEAN FOR AN ORDER DISALLOWING THE PROPOSED TARIFF OF THE OTTAWA ELECTRIC RAILWAY COMPANY, C.R.C. NO. 5, PUBLISHED AND FILED TO BECOME EFFECTIVE NOVEMBER 18, 1918. CASE NO. 2987.

The applications were supported at the hearings by the city of Ottawa as well as certain property owners.

The new tariff would radically change the fare basis. To give an extreme illustration, under the tariff in force at the time the application was made, a passenger was

carried from Britannia-on-the-Bay to the Rifle Range, a distance of 11·70 miles for 5 cents. The fare for the same trip under the proposed tariff would be 20 cents, an increase of 300 per cent.

The company filed statements showing that the operation of the extension to Britannia bay itself was not remunerative. If the operation of this line could stand by itself and be so considered, the company would be entitled to an increase. The fares applying on certain portions of the company's lines were fixed by agreement, confirmed by Act of the Dominion Parliament. The company's operations to the Rifle Range on the east, beyond the easterly city limit, and to Britannia on the west, past the westerly city limit, were not so bound, and were not, therefore, subject to municipal rate limitations.

The Chief Commissioner, Sir Henry Drayton, in his reasons for judgment, dated February 10, 1919, deals with the question of Dominion control, and in that connection refers to the incorporating Act and different statutes affecting the company and the powers of the Board thereunder to regulate the company's rates.

Section 7 of chapter 86 of the Dominion statutes, 1894, declares the company's lines to be works for the general advantage of Canada. A further Act of the Dominion, chapter 82 of the statutes of 1899, being the Act which authorized the construction of the Britannia line, made certain sections of the Railway Act specifically applicable.

In view of the declaration contained in the 1894 Act, the specific provisions of the Railway Act referred to in the later Act of 1899 were applicable without express reference to them. The Chief Commissioner expressed the view that the provisions of the Act of 1894 were not repealed by the reference to the specific sections in the later Act, and held that, subject to the exception made in the statutes of 1892, namely, that "the operation of so much of the company's line of railway as may be within the province of Ontario, by any new or additional powers covered by this Act, shall be subject to the Statutes of Ontario in force from time to time in relation to street railways, and the operation of so much of the said line of railway as may be within the province of Quebec by any new or additional powers conferred by this Act, shall be subject to the statutes of Quebec in force from time to time in relation to street railways." The company was under the control of Parliament and subject to the provisions in the Railway Act, and the Board, therefore, had jurisdiction to deal with the present applications.

The same company may, under the Railway Act, have different rates on different parts of its system where traffic and operating conditions and construction costs are dissimilar. This practice has been applied to steam railways. The operating conditions between steam and electric street railways are readily distinguishable.

The Britannia line forms part of the company's general investment, and in determining what would be a fair rate to allow for the operation of the line in question, the Board took into account the earnings of the company's entire system—the financial condition of the company, its earnings and liabilities for different years, dealt with at length in the judgment,—and held that the company had failed to show that it required the increased revenue. The proposed tariff was disallowed. Commissioners Nantel, McLean, Goodeve, and Boyce concurred.

An appeal to the Supreme Court of Canada from this judgment now pending.

IMPERIAL MUNITIONS BOARD V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board has no jurisdiction to order republication of tariffs of tolls for reparation purpose only, but it has jurisdiction to declare tolls charged since to certain dates are excessive to the extent that they exceed the tolls in effect prior thereto and a refund may be ordered upon the respondents so undertaking.

Shell blanks being a transient article of commerce are not specifically provided for in the freight classification, but are covered where necessary by commodity tolls,

these void the "analogous articles" rule of classification, even if the blank and billet are assumed to be analogous, the cutting and addition of ten per cent in value does not make the shell blank a billet and entitle it to the steel billet toll.

The facts are fully set out in the report of the Chief Traffic Officer of the Board, dated December 19, 1918, concurred in by the Chief Commissioner, Deputy Chief Commissioner, Mr. Commissioner Goodeve, and Mr. Commissioner Boyce, 24 Can. Ry. Cas., p. 169.

In re APPLICATION OF THE TOWN OF ST. LAURENT AND CANADIAN NATIONAL RAILWAYS.

This was an application of the town of St. Laurent, in the province of Quebec, for an order directing the Canadian National Railways to erect a station at St. Mathieu street, within the limits of the said town.

The facts are fully set out in the judgment of Deputy Chief Commissioner Nantel, dated February 28, 1919, concurred in by Chief Commissioner Drayton and Commissioner McLean, granting the application.

In re CENTRAL RAILWAY COMPANY AGREEMENTS.

Where a railway company entered into agreements for the purchase of the assets, stock and franchises of other railway companies, and subsequently became insolvent, the Board has no jurisdiction under section 361, of the Railway Act, to recommend such agreements for validation.

Niagara, St. Catharines & Toronto Ry. Co. v. Grand Trunk Ry Co. (Merritton Crossing Case), 3 Can. Ry. Cas. 263, at p. 267, referred to.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated March 11, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Goodeve, 24 Can. Ry. Cas., p. 117.

In re APPLICATION OF THE RESIDENTS OF PORTLAND, ONT., AND CANADIAN NATIONAL RAILWAYS.

This was an application of the residents of Portland, Ont., supported by the Post Office Department, for an order directing the Canadian National Railways to stop trains Nos. 5 and 6 regularly at Portland in order to give Portland direct connection with Ottawa and Toronto, which service was in effect prior to November, 1918.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated March 13, 1919, concurred in by Commissioners McLean, Goodeve and Boyce, directing that under all the circumstances the trains in question be ordered to stop as applied for.

In re APPLICATION OF MISSION CITY, B. C., BOARD OF TRADE, *re* PROTECTION AT HORNE AVENUE CROSSING.

This was an application of the Mission City Board of Trade, B.C., for an order requiring the installation of protection in the form of a bell, or arms, at Horne Avenue crossing in the said city where it is crossed by the Canadian Pacific Railway. The application was heard at the sittings of the Board in Vancouver on February 14, 1919, and subsequently at the sittings of the Board in Victoria on the 17th February, further evidence was given by the Honourable the Premier of British Columbia.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated March 13, 1919, concurred in by Commissioner Rutherford, directing that the crossing be protected by bells to be bonded and operated at the expense of the Canadian Pacific Railway Company, with the usual contribution out of the Railway Grade Crossing Fund, and further directing that all movements on the passing track be flagged across Horne avenue, 24 Can. Ry. Cas. 253.

IN THE MATTER OF ORDER IN COUNCIL P.C. 1863, DATED JULY 27, 1918, RAISING RAILWAY FREIGHT RATES; ORDER IN COUNCIL P.C. 2080, DATED AUGUST 14, 1918, AMENDING THE SAID ORDER IN COUNCIL P.C. 1863 WITH RESPECT TO THE RATES ON SUGAR; AND THE COMPLAINTS OF THE SUGAR REFINERIES AGAINST THE SAID INCREASED RATES. FILE NO. 28678·8.

This matter was first considered by the Cabinet in connection with the increase in freight rates necessitated by the adoption of the McAdoo Scale of Wages by Canadian Systems, with the result that, by Order in Council, P.C. 1863, dated July 27, 1918, all commodity rates on sugar were cancelled, and the whole movement put upon a class basis.

A protest was made by the Board of Trade of the city of Toronto against these increased rates, urging that the new sugar rates "will place upon this staple food product an unwarranted burden," and that this commodity should not be called upon to bear a greater increase than other commodities.

The report to the Cabinet of Chief Commissioner Drayton, dated August 3, 1918, was to the effect that the position with which the Government was confronted was that a strike of certain railway employees was imminent; that a lengthly investigation had been made by a competent and in every sense well qualified commission in the United States, as a result of which wages were very substantially advanced in United States territory; that the increased cost of living to which the railway employees, in common with the general public, were subject obtained in Canada as well as in the United States; and that operating conditions in both countries were largely similar. That, as a measure of justice to railway employees, their wages had been advanced in American territory, and in order to provide sufficient revenues to cover the increased costs, substantial rate increases had also been made, not only for freight but passenger traffic as well; that, as a measure of justice to Canadian railway employees, many of whom work on both sides of the line, the Government requested Canadian railways under its jurisdiction to adopt the so-called McAdoo Wage Scale, and for the purpose of providing the necessary funds directed similar rate advances (although perhaps slightly lower than the advanced rates in American territory), but on freight traffic only. The pressing necessity was to obtain revenue in order that strikes might be prevented and transportation carried on.

Sugar had moved at low commodity rates, and was carried at a lower basic charge than analogous commodities of preferably similar value in the same group of the freight classification—a preference that, whatever its origin, of course had the effect of accentuating the amount of the increase allowed.

In view of the financial necessity, the money had to be obtained. On the other hand, apart from the financial emergency and added costs, the increases ought to be made. Sugar moved under the appropriate 5th class rate for longer mileages in eastern territory. The low commodity rates stopped on the Grand Trunk at North Bay and and on the Canadian Pacific at Sudbury. There is more justification for applying a lower basis of rates to long hauls than to short hauls. Here the converse was applied. As a matter of justice, sugar rates ought to be placed on the same basis. For these reasons, the Chief Commissioner recommended that the application of the Toronto Board of Trade be dismissed.

Later, complaints were made by the Atlantic Sugar Refineries of St. John and the Acadia Sugar Refining Company of Halifax, endorsed by the Boards of Trade of each city. In addition to these complaints, an issue largely similar was raised in western territory by the complaint of the British Columbia Sugar Refineries, and a further report was made by the Chief Commissioner to the Cabinet, dated August 20, 1918.

It was urged that the Montreal rate of 42 cents should be reduced to 27 cents, and that the differential of 11½ cents should be continued on movements west. It was stated in the report that the weaknesses and injustices of the tariff situation would

merely be accentuated by the adoption of this suggestion; that traffic was infinitely heavier between Montreal and Toronto and points west than between St. John and Montreal. Usually rates relate to traffic, to its volume, and to its earnings. To carry out this suggestion would be to do violence to all cardinal principles. Further, that if a proportionate rate basis were put in on any such theory, the Dominion Sugar Refineries at Wallaceburg, Chatham, and Kitchener, with far shorter hauls to Toronto, would naturally demand similar treatment to that which St. John would receive.

The Montreal refiners, as well as the Dominion Sugar Company, did not object to the advance in rates, but they were insistent that if concessions were given to one refiner, they should be given to all, and that the inequalities of the past should cease. The Montreal refiners stated that the Order in Council for the first time gave them fair rates having regard to hauls from other refineries, and that for the first time they properly enjoyed their geographical and commercial position, not only as against Atlantic refineries, but also as against western refineries.

It was set out in the report that, under the Railway Act, the carrier would not be permitted to make an undue profit. Just as soon as rates are unreasonably high, they must be reduced, and, conversely, just as soon as they are unreasonably low, they ought to be raised to a fair, equitable, and just basis, without regard to one section of the country or the other, but having regard to the inhibitions of the Railway Act, which prohibit one locality being discriminated against in ease of another.

The railway situation was not the only basis which of necessity controlled the situation. The Order in Council was the result of war troubles and war expenditures. Both the St. John and the Halifax refineries had an unduly large share of the war burden thrown upon them. Halifax and St. John have geographically, under ordinary business conditions, certain advantages which Montreal has not. On the other hand, Montreal has advantages which they have not. St. John, for example, at the date of the report, was still getting a packet service for 25 per cent of its raw sugar without any additional charge over and above the 50 cent New York ocean rate from the West Indies. In normal times its rate on the balance of its raw material is 6 cents over New York, with the result that in so far as 25 per cent of its sugar is concerned it is on the New York basis, and as to 75 per cent of it, 6 cents over.

In so far as its whole supply is concerned it would, therefore, average 4½ cents over New York. As a general thing Montreal buys its raw sugars in the New York market, although in the past it has got some raw sugar direct. The New York rail rate to Montreal, under Order in Council, P.C. 1863, was 21½ cents, but the extra 6 cent rate which was charged on the boats from New York to St. John as the result of the war and boat shortage was increased to 20 cents; so that, as a consequence, at St. John, instead of paying an average of 4½ cents over New York, it was paying 15 cents, a difference of 11½ cents a hundred.

While no sugar then moved from St. John to Montreal, under the policy enforced as a result of which St. John got the benefit of as low an import rate as the lowest port in American territory, and thus obtained just as much traffic as was possible to secure for it, the St. John-Montreal rate on raw sugar was but 19 cents.

With St. John obtaining its raw sugar on a much lower basis than Montreal, and enjoying the benefits of the export business, these advantages might well offset, and probably did offset, the fact that Montreal is much nearer the larger consuming centres of the country. The position was, therefore, that while the new rate preserved to Montreal its natural geographical advantage on the manufactured article to which it was entitled, the natural geographical advantage on the raw material which Halifax and St. John normally enjoyed was taken away from them as a result of war conditions.

Re Vancouver Refinery Complaint.—Many complaints were made from time to time by the Montreal refineries against the low commodity rates enjoyed by the British Columbia sugar refineries. Under a judgment of the Board, all-rail rates were

equalized at Portage la Prairie. The complaints, however, continued, and the matter was pending for judgment at the time the Order in Council was made.

Under the rate basis applicable in the different territories under consideration, the all-rail rate from Fort William west would meet the rate from Vancouver east between Medicine Hat and Calgary, while the rate from Montreal, if the commodity moved on the lower water basis in eastern territory, and thus be a rail-lake-and-rail movement, would break at about Swift Current, Sask.

The eastern refineries had always argued that they were entitled to the rates being so adjusted. On the other hand, the British Columbia refineries had always taken the position that their particular movement ought not to be considered on a mileage basis, and that the rate, having been put in voluntarily by the Canadian Pacific Railway Company, should stand.

In the interests of the railways, however, as well as of the public, it was felt that a substantial movement of sugar should be made from the West to the East. Under all the circumstances, the absolute necessity of an increase in rates was recognized, but it was also felt that the markets of the British Columbia refineries should not be largely wiped out by a change of railway rates.

Relief was given by Order in Council P.C. 2080, dated August 24th, 1918, which made a special reduction of 10 cents per 100 lbs. from the class rate on sugar, St. John to Montreal, and a special differential above Montreal to points west of 14½ cents, giving similar relief to Halifax. And from Vancouver, B.C., as follows, namely:—

(*a*) To Regina, Lanigan, Humboldt, and Melfort, Sask., the rail-lake-and-rail 5th class rates contemporaneously in effect from Montreal to the same points.

(*b*) To Winnipeg: the percentage of the fifth-class rate from Vancouver to Winnipeg equivalent to the ratio of the commodity rate from Vancouver to Regina to the 5th class rate from Vancouver to Regina.

(*c*) Subject to the said rates as maxima, the commodity rates to destinations intermediate to the aforesaid on the direct lines of transit to be reasonably graduated until they merged into the 5th class rates from Vancouver.

(*d*) To destinations off the aforesaid direct lines of transit the commodity rates not to exceed those for equivalent direct line distance applies to the shortest practicable routes, with reasonable additions where the direct line mileage was insufficient for the purpose.

(*e*) During the existence of the class freight tariffs from Vancouver and Montreal, in effect at the date of Order in Council, P.C. 2080, the commodity rates from Vancouver, graduated as aforesaid, not to exceed 94 cents to Banff, $1.00 to Calgary and Edmonton, $1.05 to Lethbridge, $1.21 to Saskatoon, and $1.26 to Prince Albert, per 100 pounds respectively.

Under date of September 4, 1918, a complaint against the said Order in Council, P.C. 2080, was made by the Dominion Sugar Company, Limited, of Wallaceburg, Chatham, and Kitchener; the Canada Sugar Refining Company, Limited, of Montreal; and the Atlantic Sugar Refineries, Limited, of St. John.

The Dominion Sugar Company alleged that the rate basis helped the Atlantic Sugar Refineries, and enabled them to transport their products into intermediate territories at rates lower than they could export it for similar mileages. The company followed up its protest by a visit from its executive officers, when the matter was discussed. In view of the abnormal conditions the company withdrew its protest, but on the clear understanding that the protest might be renewed without the slightest prejudice by the action which the company had voluntarily taken in case of war conditions as specially affecting a competitor and on the basis that the Order in Council was merely a temporary one, made in view of those emergencies.

The Canada Sugar Refining Company, Limited, filed three tables giving the gist of the results of the judgment in regard to rates, and alleged that a comparison of the

old rates showed that there had always been some discrimination against Montreal, which was rectified by the adoption of the fifth class rates, and again put in force under the rates as settled by the last Order in Council. It was also alleged that there was discrimination in favour of the refinery at Vancouver.

In the Chief Commissioner's report, dated October 25, 1918, he stated that owing to vessel shortage a large proportion of the raw sugars going into St. John had to be obtained in the New York market, or on ocean rates materially higher than to New York. Raw sugars were also largely purchased by the Montreal and Chatham refineries in the New York market. Not only had the boat rate from New York to St. John materially increased, but, owing to boat shortage, raw sugars moved from New York to St. John at a 26-cent rate as against the New York rail rate to Montreal of 21½ cents. The reduction made merely recognized in part the added costs peculiar to refineries on the sea front, on account of war conditions, that the arrangement made had no regard to the regular rate, but was an arrangement which should cease just as soon as the movement of raw sugars became normal.

With regard to the complaint as to rates on sugar from Montreal west as compared with rates Vancouver east, it was pointed out that the rates of the rival refineries formerly met at Portage la Prairie, but as a result of the settlement that was made by the Order in Council, now met at Regina. The resultant gain to the Montreal refineries in western competitive territory was 302 miles. The complainants desired that the rate should either be fixed at the breaking point of the all-rail rates, Fort William west and Vancouver east, which would make Bassano, Alta., the breaking point, or on the rail-lake and rail movement, in which instance the rates would break at Swift Current.

It was stated in the report that it was impossible to say that the eastern refineries were unduly or unjustly discriminated against. Under the readjustment they were getting just as fair a recognition of their geographical position as they were entitled to. They enjoyed a preference as against Vancouver, not only in the whole of the east, but had a lower rate in western prairie territory as far west as Regina; that Regina meant a rail-lake and rail movement from Montreal of 1,773·7 miles as against a rail haul from Vancouver of 1,112·4 miles; and that this extra movement ought at least to satisfy the Montreal refineries and do ample justice to their geographical position. It was against the public interest to break these rates at Swift Current, and in the public interest that they should break at Regina.

The Atlantic Sugar Refineries, Limited, raised the question as to whether or not St. John should directly participate in the saving brought about by the reduction which railways made to meet the competition by water from Montreal west.

The Chief Commissioner was of the opinion that the point was not well taken. He stated that in reducing the 5th class tariff in favour of St. John, St. John in effect was given a commodity rate. The differential of 14½ cents which was established was fixed having regard to that standard rate. The railways had the right to meet water competition, and in meeting water competition discrimination could not be charged as against railways by points not subject to that water competition. No movement from St. John could be taken from the railways as a result of water competition at Montreal, and effect should not be given to the complaints; the Order in Council to stand until the movements of raw sugars were no longer subject to war conditions.

Later, on the applications of the Dominion Sugar Company and the Canada Sugar Refining Company, and the statements made that the war condition and emergency on which action was taken in the Order in Council, P.C. 2080, amending Order in Council, P.C. 1863, were at an end, and that owing to the changed circumstances the amending Order in Council should be cancelled and sugar rates placed upon their ordinary basis, the matter was heard at a sittings of the Board held in Ottawa, January 21, 1919.

In a report to Council of Chief Commissioner Drayton, dated March 15, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioners McLean, Goodeve, and Boyce, it was stated that although competitive business conditions were restored in the sugar business and the supply of sugar plentiful, the railway situation was as acute as ever; that railways still required the added revenues which the Order in Council gave them; and that the higher rates of wages resulting in very large increases in operative costs were still in effect.

There was much dispute as to the exact raw rate, one refinery stating one thing and the other, another. The rates on raw sugars to St. John and Halifax, being largely water rates, were hard to determine. As a matter of fact, sometimes St. John, sometimes Halifax, got sugar at the same rate, or approximately the same, as New York, and in some instances, during the period of summer navigation, although to a smaller degree, so would Montreal.

The rival interest were also hopelessly apart on the question of the cost of raw sugar at the different refineries. The question of the cost of the raw material at and the freight rates thereon to the different refineries, however, had nothing whatever to do with the question of the rates on the refined article under the provisions of the Railway Act, which provide for equality of treatment and against discrimination in railway rates as such, and do not seek by discriminatory tariffs to equalize manufacturers' costs.

It was shown that for the shorter haul in a district where railway use is the more intensive (Ontario), higher rates were charged than those charged Halifax or St. John on longer hauls. For example: the mileage, Halifax to Ottawa, is 846 miles, the rate 38½ cents; from St. John to Ottawa, 589 miles, the rate 37½ cents; from Chatham to Ottawa, the mileage is 431 miles, and the rate 42 cents. As a result, although the movement from Halifax was nearly twice as long as the movement from Chatham, the rate, notwithstanding, was 3½ cents per 100 pounds lower, while the movement from St. John, which is 158 miles longer than the movement from Chatham, notwithstanding, was made at a rate 4½ cents lower than the Chatham charge.

Apart from war conditions and the considerations which permitted the issue of the amending Order in Council, this condition, of course, was indefensible. The rate from Halifax was but 5½ cents higher than the rate from Chatham, although the distance is nearly three times as great. The movement from St. John is twice the distance than the movement from Chatham, but the 37½ Chatham rate was increased but 4½ cents.

To Chesterville from Halifax, 833 miles, the rate was 38½ cents; from St. John, 558 miles, 37½ cents; from Chatham, 427 miles, 40 cents. As a result, the traffic from Chatham, carried 131 miles less than the movement from St. John, nevertheless took a rate of 2½ cents over the St. John rate. A like condition obtained on the movement to Cornwall.

These instances showed, therefore, that the rates were entirely out of line, and that the central refineries, in territory lying west of Montreal, were subject to an unlawful discrimination. To points east of Montreal, the same consideration applied, as, while a reduction of 10 cents had been made in the rate west, no corresponding reduction had been made in the rate from Montreal east.

The Board was, therefore, of the opinion that the amending Order in Council, P.C. 2080, should be set aside in so far as rates from eastern refineries were concerned; and that the rates prescribed by Order in Council, 1863, applicable to movements from these refineries, should go into effect at the expiration of fifteen days thereafter, subject to such changes and modifications as might be ordered by the Board on any application that might be made, or which might be put into effect by any carrier, and subject to any application to the Board which interested shippers might make against the action of the carriers, or any of them.

It was stated, further, by the Board, that very different considerations applied to the rates from the western refineries. The rates were not out of line with the rates

then in effect, and did not offend any of the provisions of the Railway Act. The Board was, therefore, of the opinion that the Orders in Council should be amended so as to provide that the rates from the western refinery prescribed by the amending Order in Council, P.C. 2080, should stand until such time as the same rates were modified or altered by any carrier, or by any order or direction of the Board; and that the rates from the central refineries reserved under the original Order in Council should be treated in the same manner.

By General Order of the Board No. 276, dated December 31, 1919, it was ordered that, subject to the provisions of the Railway Act, 1919, the tolls of the railway companies subject to the jurisdiction of the Board, in effect as of that date, be continued in effect on and from January 1, 1920.

APPLICATION OF THE TOWN OF GREENFIELD PARK TO BE RELIEVED FROM PAYING ANY PART OF THE MAINTENANCE OF THE GATES ORDERED FOR THE PROTECTION OF LAPINIERE ROAD CROSSING OVER THE GRAND TRUNK AT A POINT BETWEEN THE TOWN OF GREENFIELD PARK AND ST. LAMBERT, IN THE PROVINCE OF QUEBEC. ORDER NO. 18824, ISSUED MARCH 4, 1914. FILE NO. 9437.920.

Judgment, Deputy Chief Commissioner Nantel, dated March 21, 1919, concurred in by Chief Commissioner Drayton and Commissioner McLean.

It appears that there are two sets of gates at this point, one of which is for the protection of a spur track, and the Grand Trunk, when the case was heard in Montreal, expressed the opinion that this one gate might be dispensed with and the situation relieved by so much.

After hearing the case, we dismissed the application on the bench, but a formal order was delayed until our Operating Department made a report on the suggestions set forth by Mr. Chisholm as to the spur track gate.

We now have this report before us, and as the Grand Trunk is of the opinion that the situation should be left as it is, in accordance with the Operating Department's report, the application is dismissed purely and simply.

In re DAYLIGHT SAVING ACT, 1918.

1. Jurisdiction—Specific Time—Public Interest—Railway Act, ss. 30, 268, 270, 307.

The Board has no jurisdiction under the Railway Act (ss. 30, 268, 270, and 307), to prevent the use by railway companies of any specific time, unless such use is shown to be against the comfort, convenience and safety of the travelling public and railway employees.

The Daylight Saving Act, 1918, according to the ordinary canons of construction remains in force until repealed.

2. Act—Operation—Judicial and Administrative Body—Discretionary—Legislative—Jurisdiction.

Parliament having stated its intention that the operation of the Daylight Saving Act should not extend beyond the year 1918, it is inadvisable that the Board should under all the circumstances, take any action under it.

The Board is both a judicial and administrative body, its jurisdiction is largely discretionary and in some instances legislative in its character.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, concurred in by Commissioners Goodeve and Rutherford. 24 Can. Ry. Cas. 199.

APPENDIX B.

REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD FOR THE YEAR ENDING THE 31ST MARCH, 1919.

SIR,—I have the honour to submit, for the fourteenth report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph, and sleeping and parlor car schedules filed with the Board from November 1, 1904, to March 31. 1918, and from April 1, 1918, to March 31, 1919, inclusive; also of the more important orders relating to traffic issued by the Board from April 1, 1918, to March 31, 1919.

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1918.

Freight—			
Local tariffs	11,584		
Supplements	25,014	36,598	
Joint tariffs	26,726		
Supplements	76,233	102,959	
International tariffs	106,134		
Supplements	327,012	433,146	
			572,703
Passenger—			
Local tariffs	11,804		
Supplements	14,877	26,681	
Joint tariffs	8,785		
Supplements	15,160	23,945	
International tariffs	18,613		
Supplements	36,685	55,298	
			105,924
Express—			
Local tariffs	5,098		
Supplements	53,870	58,968	
Joint tariffs	4,924		
Supplements	12,783	17,707	
International tariffs	2,671		
Supplements	1,222	3,893	
			80,568
Telephone—			
Local tariffs	1,630		
Supplements	1,190	2,820	
Joint tariffs	2,328		
Supplements	9,712	12,040	
International tariffs	429		
Supplements	9,004	9,438	
			24,293
Telegraph—			
Tariffs	140		
Supplements	150	290	
			290
Sleeping and parlour car—			
Local tariffs	99		
Supplements	113	212	
Joint tariffs	52		
Supplements	110	162	
International tariffs	139		
Supplements	365	504	
			878
Combined totals, all schedules		784,656	

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SCHEDULES RECEIVED FROM APRIL 1, 1918, TO AND INCLUDING MARCH 31, 1919.

Freight—			
Local tariffs	878		
Supplements	1,338	2,216	
Joint tariffs	1,422		
Supplements	4,671	6,093	
International tariffs	4,871		
Supplements	14,390	19,261	
			27,570
Passenger—			
Local tariffs	1,485		
Supplements	2,247	3,732	
Joint tariffs	1,876		
Supplements	2,835	4,711	
International tariffs	2,416		
Supplements	4,842	7,258	
			15,701
Express—			
Local tariffs	55		
Supplements	310	365	
Joint tariffs	1,186		
Supplements	7,327	8,513	
International tariffs	.....	.....	
Supplements	.....	.....	
			8,878
Telephone—			
Local tariffs	134		
Supplements	41	175	
Joint tariffs	206		
Supplements	2,609	2,815	
International tariffs	.....		
Supplements	610	610	
			3,600
Telegraph—			
Tariffs	12		
Supplements	7	19	
			19
Sleeping and parlor car—			
Joint tariffs	16		
Supplements	28	44	
International tariffs	21		
Supplements	92	113	
			199
Local tariffs	19		
Supplements	23	42	
Combined totals, all schedules			55,967
Grand total			840,623

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED MARCH 31, 1919.

No. 27054, December 20, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Tara-Keady Telephone Association, operating in the counties of Bruce and Grey, Ont.

General Order No. 215-C, April 2, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 15 of the Oshawa Railway.

No. 27104, April 2, 1918.—Authorizes the London and Port Stanley Railway to increase its Standard Freight and Passenger rates by fifteen per cent, and its coal rates by fifteen cents per ton.

No. 27105, April 4, 1918.—Authorizes the Lake Erie and Northern Railway to increase its freight and passenger rates by fifteen per cent.

General Order No. 225, April 3, 1918.—Permits the use of the form of bill of lading issued by the United States Government for use in connection with international shipments of munitions, war materials and supplies by freight.

No. 27106, April 4, 1918.—Authorizes the London and Lake Erie Railway and Transportation Company to advance its passenger fares by fifteen per cent, its freight rates, except on coal, by fifteen per cent, and its rate on coal by fifteen cents per ton.

No. 27109, April 3, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Wellington Telephone Company, operating in the counties of Wellington and Dufferin, Ont.

No. 27113, April 5, 1918.—Defines revised free express cartage limits at Walkerville. Ont.

No. 27117, April 9, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 176 and Standard Passenger Tariff C.R.C. No. 115, of the London and Port Stanley Railway.

No. 27118, April 9, 1918, and No. 27239, May 18, 1918.—Prescribes a revised classification of certain rubber articles for carriage by freight.

No. 27121, April 10, 1918.—Approves the Standard Freight Mileage C.R.C. No. 103, and the Standard Passenger Tariff C.R.C. No. 23, of the Lake Erie and Northern Railway.

...

No. 27135, April 18, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Allenford Rural Telephone Company, operating in the counties of Bruce and Grey, Ont.

No. 27159, April 26, 1918.—Authorizes the Vancouver and Lulu Island Railway and the Vancouver, Fraser Valley and Southern Railway to increase their freight rates by ten per cent, and their rates on coal by fifteen cents per ton.

No. 27167, April 25, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Greenwood Telephone Association, operating in the district of Algoma, Ont.

No. 27168, April 27, 1918.—Approves an agrement for the interchange of telephone services between the Bell Telephone Company and the James Maclean Company, (Lievre River Telephone Company), operating in the counties of Labelle and Ottawa, Que.

No. 27184, May 10, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 107 of the Vancouver and Lulu Island Railway and the Vancouver, Fraser Valley and Southern Railway.

No. 27189, May 7, 1918.—Approves an agreement for the interchange of telephone Services between the Bell Telephone Company and the Megantic People's Telephone Company, operating in the county of Megantic, Que.

No. 27208, May 7, 1918.—Authorizes the Quebec Railway, Light and Power Co. to increase its passenger tolls by fifteen per cent to a maximum of 2.875 cents per mile.

No. 27212, May 14, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Town Line Telephone Association of Stafford and Pembroke, operating in the county of Renfrew, Ont.

General Order No. 232, May 14, 1918.—Prescribes revised minimum carload weights for tan bark.

No. 27222, May 15, 1918.—Requires the Canadian Pacific Railway to restore the pre-existing relationship between the International rates on woodpulp from Ottawa on the one hand and Sturgeon Falls and Espanola, Ont., on the other.

General Order No. 230, May 17, 1918.—Prescribes revised tolls and regulations in connection with the interswitching of freight traffic at points of interchange between railways.

No. 27226, May 21, 1918.—Approves the Standard Passenger Tariff C.R.C. No. 34 of the Quebec Railway, Light and Power Company.

General Order No. 234, May 22, 1918.—Declares the tolls applicable at the time of re-shipment of western grain stopped off for milling, malting, storage or cleaning in transit.

General Order No. 235, May 22, 1918.—Prescribes regulations in connection with freight consigned to flag stations.

No. 27242, May 23, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 6 of the Cumberland Railway and Coal Company.

No. 27243, May 27, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South Leeds and Pittsburg Rural Telephone Company, operating in the counties of Leeds and Frontenac, Ont.

No. 27261, May 30, 1918.—Defines free express delivery limits at Trail, B.C.

No. 27270, May 30, 1918.—Authorizes the Brantford and Hamilton Electric Railway to increase its freight rates by fifteen per cent, and its rates on coal by fifteen cents per ton.

No. 27272, June 4, 1918.—Permits express companies to make use of the form of bill of lading issued by the United States Government in respect of international shipments of munitions, war materials and supplies.

No. 27302, June 12, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Compagnie Telephone Rural de Soulanges, operating in the counties of Soulanges and Vaudreuil, Que.

No. 27308, June 14, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 4 of the Brantford and Hamilton Electric Railway.

No. 27306, June 15, 1918.—Authorizes the Windsor, Essex and Lake Shore Rapid Railway Company to increase its freight rates, except on coal, by fifteen per cent, and its rate on coal by fifteen cents per ton.

No. 27309, June 15, 1918.—Authorizes the Chatham, Wallaceburg and Lake Erie Railway Company to increase its passenger fares by fifteen per cent, its freight rates, except on coal, by fifteen per cent, and its rates on coal by fifteen cents per ton.

No. 27312 ,June 18, 1918.—Approves the Standard Freight Tariff C.R.C. No. 530, and the Standard Passenger Tariff C.R.C. No. 37, of the Chatham, Wallaceburg and Lake Erie Railway.

No. 27313, June 17, 1918.—Approves an agrement for the interchange of telephone service between the Bell Telephone Company and the North Bonnechere Telephone Company, operating in the county of Renfrew, Ont.

No. 27327, June 20, 1918.—Reduces the telephone toll from ten to five cents for local conversations from attended public telephones on a two number basis within the base rate area.

No. 27367, June 26, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Bonnechere Telephone Association, operating in the county of Renfrew, Ont.

General Order No. 241, June 29, 1918.—Permits the Eastern Canadian railway companies to increase the westbound transcontinental freight rates on specific commodities to British Columbia coast terminals so as to place them on an equality with the rates on similar commodities in effect in the United States.

General Order No. 242, June 28, 1918.—Authorizes a change in Rule 1 (c) of the Canadian Freight Classification No. 16, and declares that the lawful charge for each additional car was and is two-thirds of the minimum weight provided in the classification, unless specifically excepted from the provisions thereof in the tariff applicable.

No. 27379, July 8, 1918.—Authorizes the Hull Electric Railway Company to increase its freight rates, except on coal, by fifteen per cent, its rate on coal fifteen cents per ton, and its Standard Maximum Passenger Tariff so as not to exceed 2·875 cents per mile.

No. 27382, July 4, 1918. Approves the Standard Freight Mileage Tariff C.R.C. No. 236, of the Windsor, Essex and Lake Shore Rapid Railway Company.

No. 27391, July 3, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Rydal Bank-Plummer Telephone Company, operating in the district of Algoma, Ont.

No. 27397, July 2, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Osprey, operating in the county of Grey, Ont.

No. 27398, July 6, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company, and the Rose Telephone Company, operating in the district of Algoma ,Ont.

No. 27399, July 6, 1918.—Approves Supplement "F" to Express Classification for Canada No. 3, to be published as Supplement No. 12 to the Classification.

No. 27401, July 8, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company, and the Montreal Light, Heat and Power, Consolidated, operating in the county of Soulanges, Que.

No. 27411, July 8, 1918.—Approves the Standard Freight Tariff C.R.C. No. F-82, and Standard Maximum Passenger Tariff C.R.C. No. P-9, of the Hull Electric Railway Company.

No. 27421, July 10, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 6 of the London and Lake Erie Railway and Transportation Company.

No. 27422, July 10, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Renfrew and Shamrock Telephone Association, operating in the county of Renfrew, Ont.

No. 27425, July 10, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Temiskaming and Northern Ontario Railway Commission operating in the district of Nipissing, Ont.

No. 27456, July 27, 1918.—Authorizes the Montreal and Southern Counties Railway Company to increase its freight rates, except on coal by fifteen per cent, and its Standard Maximum Passenger fare to not exceeding 2·875 cents per mile.

No. 27471, July 22, 1918.—Authorizes the Hamilton Radial Electric Railway Company to increase its Standard Freight Tariff by fifteen per cent and its rate on coal and coke by fifteen cents per ton; also its Standard Passenger Tariff to two and seven-eights cents per mile.

No. 27508, August 1, 1918.—Approves Standard Maximum Freight Tariff C.R.C. No. 33, and Standard Maximum Passenger Tariff C.R.C. No. 21, of the Montreal and Southern Counties Railway Company.

No. 27509, July 31, 1918.—Approves Supplement No. 11 to Canadian Freight Classification No. 16.

No. 27515, August 6, 1918.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the Scottish Canadian Magnesite Company, operating in the county of Argenteuil, Que.

No. 27517, August, 1, 1918.—Approves Standard Maximum Freight Tariff C.R.C. No. 5, and Standard Maximum Passenger Tariff C.R.C. No. 4, of the Hamilton Radial Electric Railway Company.

General Order No. 245, August 8, 1918.—Amends General Order No. 186 and authorizes a minimum carload weight of 50,000 lbs. for flour loaded in cars of 60,000 lbs. or 70,000 lbs. capacity.

No. 27552, August 13, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Goulais Bay Telephone Company, operating in the district of Algoma, Ont.

No. 27555, August 13, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Bowesville Telephone Company operating in the county of Carleton, Ont.

No. 27564, August 19, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of North Gosfield, operating in the county of Essex, Ont.

No. 27626, August 30, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Burgessville Telephone Company of Ontario, operating in the counties of Oxford and Brant, Ont.

General Order No. 249, August 31, 1918.—Approves the Standard Tariffs of various railways issued under the authority of Order in Council P.C. 1863 of July 27, 1918.

No. 27686, September 18, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Sunderland Telephone Company, operating in the counties of Ontario and York, Ont.

No. 27689, September 16, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Horton Telephone Association, operating in the county of Renfrew, Ont.

No. 27702, September 16, 1918.—Approves the Standard Passenger Tariff C.R.C. No. 1, of the North Mountain Railway Company.

No. 27711, September 21, 1918.—Approves Standard Mileage Freight Tariff C.R.C. No. 113 of the Quebec Railway, Light and Power Company.

No. 27714, September 27, 1918.—Authorizes amendments to railway tariffs showing charges for elevating and storing grain at Montreal so as to reduce the free storage period from twenty to ten days on and from October 1, 1918, to conform to By-law No. 104 of the Harbour Commissioners of Montreal, simultaneous action to extend the said limited period if and when extended by the Harbour Commissioners.

No. 27732, September 30, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Vespra, operating in the county of Simcoe, Ont.

No. 27733, September 30, 1918.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Tyendinega, operating in the county of Hastings, Ont.

No. 27772, October 21, 1918.—Requires railway companies in Ontario to issue through tariffs on turnips in carloads to points in the Southern United States.

General Order No. 253, October 29, 1918.—Requires a reduction in the minimum carload weight for crushed stone and other building and paving materials in Eastern Canada.

General Order No. 254, October 25, 1918.—Requires the Canadian Pacific Railway Company, according to its powers and as required by shippers, to supply heaters in all cars furnished for carload shipments of vegetables. Heaters, when shippers have to furnish them, to be returned free of charge.

No. 27836, November 5, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Keppel Rural Telephone Company, operating in the county of Grey, Ont.

No. 27852, November 12, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Noisy River Telephone Company, operating in the counties of Simcoe, Dufferin and Grey, Ont.

No. 27863, November 15, 1918.—Prescribes the 8th Class car load rates on the actual weight of enclosures of calf meal in mixed carloads of grain and grain products from redistributing centres.

No. 27867, November 18, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Cambray Telephone Company, operating in the county of Victoria, Ont.

No. 27868, November 19, 1918.—Authorizes the British Columbia Electric Railway Company to charge the increased commutation fares published in its Tariff C.R.C. No. 7, on and after December, 1918.

No. 27888, November 22, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Hampshire Telephone Company operating in the county of Simcoe, Ont.

No. 27900, November 26, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the

Township of Maidstone, operating the Maidstone Municipal Telephone System in the county of Essex, Ont.

No. 27909, December 2, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Plane Settlement Telephone Company, operating in the county of Hastings, Ont.

No. 27914, December 7, 1918.—Requires the Canadian Northern Railway to restore commodity rates on canned goods from shipping points on the St. Catharines Division to points on the Canadian Government Railways.

No. 27917, December 9, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Algoma Central and Hudson Bay Railway Company, operating in the district of Algoma, Ont.

No. 27920, December 10, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Selby Telephone Company, operating in the counties of Lennox, Addington, and Hastings, Ont.

No. 27960, December 26, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the St. Mary's, Medina and Kirkton Telephone Company, operating in the counties of Perth, Middlesex and Oxford, Ont.

No. 27961, December 26, 1918.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the Elmsley South Rural Telephone Company, operating in the counties of Leeds and Lanark, Ont.

No. 28000, December 8, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ravenscliffe Telephone Company, operating in the district of Muskoka, Ont.

No. 28006, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Fordwick Rural Telephone Company, operating in the counties of Huron and Perth, Ont.

No. 28007, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ore Telephone Company, operating in the county of Simcoe, Ont.

No. 28008, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Korah Base Line Telephone Company operating in the district of Algoma, Ont.

No. 28009, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Springbank Telephone Company, operating in the counties of Huron and Wellington, Ont.

No. 28044, January 24, 1919.—Approves Standard Maximum Freight Mileage Tariff C.R.C. No. 132 of the British Columbia Electric Railway Company.

No. 28068, January 24, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Wakefield and Masham Telephone Company, operating in the counties of Ottawa and Pontiac, Que.

No. 28103, February 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Stroud Telephone Co., operating in the county of Simcoe, Ont.

No. 28107, February 18, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the St. Mary's Telephone System, operating in the county of Shefford, Que.

No. 28108, February 18, 1919.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the Lambeth Telephone Company, operating in the county of Middlesex, Ont.

No. 28113, February 20, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Burgessville Telephone Company of Ontario, operating in the counties of Oxford and Brant, Ont.

No. 28123, February 27, 1919.—Approves the Lake Erie & Northern Railway Company's standard maximum freight mileage tariff, C.R.C. No. 165.

No. 28124, February 27, 1919.—Approves the London & Port Stanley Railway Company's standard maximum freight mileage tariff, C.R.C. No. 224.

No. 28134, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Shakespeare Telephone Company, operating in the district of Sudbury, Ont.

No. 28138, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Dunwich & Dutton Telephone Company, operating in the counties of Elgin and Middlesex, Ont.

No. 28159, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Goderich Rural Telephone Company, operating in the county of Huron, Ont.

General Order No. 260, March 17, 1919.—Prescribes new regulations for the transportation of acetylene gas.

No. 28187, March 20, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Innisfil Telephone Company, operating in the county of Simcoe, Ont.

APPENDIX "C."

OTTAWA, June 30, 1919.

DEAR SIR,—I have the honour to submit herewith, for the Board's Fourteenth Annual Report, a synopsis of work performed by the Operating Department during the year ending March 31, 1919.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OF LOSS OF LIFE.

During the year accidents to the number of 1,776, covering 264 persons killed and 1,813 persons injured were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3, and 4.

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railways, reveals a decrease of 69 persons killed and 17 persons injured over the preceding year.

Out of the total of 1,776 accidents reported, as above referred to, 936 were investigated, covering 195 persons killed, and 1,081 persons injured.

It will be observed that out of the total of 264 persons killed and 1,813 injured, there were "trespassers" to the number of 77 killed and 102 injured. In this connection reference is made to statement No. 12.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements 3, 4, 7, 8, 9, 10 and 11.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 11 shows that during the past five years there have been 184 such accidents, 13 in 1915, 15 in 1916, 36 in 1917, 54 in 1918, and 66 in 1919.

INSPECTION OF SAFETY APPLIANCES.

The work in this connection is largely carried on under the provisions of Section 264 of the Act, and, General Order No. 102. The year's work in detail is set out in attached statements Nos. 15, 16, 17 A & B. It is needless to say that the inspection of 77,261 cars embracing defects totalling 4,232 entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied.

INSPECTION OF MOTIVE POWER.

This division of the work embraces the entire locomotive and tender, and is carried on under sections 264, 265, 266 and 267 of the Railway Act, and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199 and 226.

Under General Order No. 78, the so-called "Boiler Inspection Order," some 60,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtances have been filed during the year.

During the year locomotives to the number of 8,007 were examined by this department's inspectors when 2,193 defects were located, representing approximately 27 per cent.

The checking and recording of the above-mentioned forms and reports, together with the correspondence involved naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT STATION BUILDING AND PREMISES.

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS *re* TRAIN AND STATION SERVICE.

The work under this heading takes up a large amount of time of the department, in re inquiries into the numerous applications and complaints respecting train and station service, and which may be found enumerated in an appendix prepared by the secretary's department.

It might not be amiss to point out that a great deal of work which would come under this heading was done in connection with the movement of western grain crop, and also in connection with the fuel situation in eastern Canada.

In conclusion, I might state that in order to accomplish the work briefly outlined above, it has necessitated the travelling by the staff of this department of approximately 375,000 miles.

Yours faithfully,

GEO. SPENCER,
Chief Operating Officer.

A. D. CARTWRIGHT, Esq.,
Secretary, B.R.C. Building.

STATEMENT No. 1.—Statement showing the number of passengers, employees and others killed and injured on the various railways in Canada, under the Board's juridiction, for the year ending March 31, 1919.

Name of Railway.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	3	53	21	613	45	105	69	771
Canadian Pacific	25	53	71	157	43	66	139	276
Canadian Northern		59	12	313	15	52	27	424
Michigan Central		4	7	110	3	6	10	120
Grand Trunk Pacific		2	1	66	5	11	6	79
Brantford and Hamilton		8						8
Canadian Government Railways				9				9
New York Central				3		3		6
Lake Erie and Northern				2		2		4
Edmonton, Dunvegan and British Columbia		5		1				6
Quebec, Montreal and Southern				5	1	2	1	7
London and Port Stanley		15		4				19
Wabash		2		15	1		1	17
Algoma Central and Hudson Bay			1				1	
Kettle Valley				1				1
Windsor, Essex and Lake Shore					3	4	3	4
British Columbia Electric				1				1
Pere Marquette				2		4		6
Toronto, Hamilton and Buffalo			2	19	1	5	3	24
Vancouver, Victoria and Eastern		1	1	20	1	4	2	2
Hull Electric					1		1	
Esquimalt and Nanaimo			1	3		3	1	6
	28	202	117	1,344	119	267	264	1,813

STATEMENT No. 2.—A comparative statement of killed and injured between years ending March 31, 1918 and 1919.

—	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	K.	K.	I.	K.	I.
Year ending March 31, 1918	22	342	137	1,220	174	268	333	1,830
Year ending March 31, 1919	28	202	117	1,344	119	267	264	1,813
Increase over 1918	6			124				
Decrease over 1918		140	20		55	1	69	17

STATEMENT No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for year ending March 31, 1919.

Character of Accidents.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment	2	61	7	95		3	9	159
Collision head-on		16	7	41	1		8	57
Collision rear-end		31	3	22			3	53
Collision in yard		14	2	26			2	40
Collision with cars standing foul of main line				1				1
Collision with cars account open switch			1	7			1	7
Collision at grade level (diamond) crossing		14	2	1	1	3	3	18
Public highway crossing protected by gates				4	3	16	3	20
Public highway crossing protected by bell			1	2	9	18	10	20
Public highway crossing protected by watchmen			1	3		4	1	7
Public highway crossing unprotected			2	6	25	100	27	115
Private crossing			1	2	2	4	3	6
Trespassing			4	16	73	86	77	102
Working on or under engine			1	180			1	180
Miscellaneous	14	28	5	254	1	6	20	288
Adjusting couplers, coupling and uncoupling			6	75			6	75
Working on track or bridge			2	60		1	2	61
Falling off hand car, motor or velocipede			7	33		3	7	36
Hand car, motor or velocipede struck by train			10	14		1	10	15
Crawling under cars				1				1
Crawling through cars, over couplers				7				7
Caught while passing through cars between couplers			1	3	1	1	2	4
Struck by car standing foul			1	6			1	6
Struck by switch stand, water spout, mail crane, etc			2	22			2	22
Crushed between cars, building, lumber, pipe, platform, etc			3	13			3	13
Explosion of locomotive boiler								
Falling off passenger train	4	7	1		2		7	7
Falling off tender while handling coal				3				3
Falling off tender while taking water				6				6
Industrial			1	97			1	97
Riding on pilot of engine				16				16
Overhead bridge			1	7			1	7

STATEMENT No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for the year ending March 31, 1919.—*Concluded.*

—	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	R.	I.	K.	I.
Repairing cars on running track when moved by engine				1				1
Falling off top of car			2	37			2	37
Falling between cars going over top			3	9			3	9
Application of air brake		2		31				33
Jumping off train in motion	4	15	1	29		2	5	46
Attempt to board train in motion	1	11	2	21		3	3	35
Washout								
Bridge gave way or burnt								
Electrocuted			2				2	
Run down by engine or car	3	3	28	46	1	5	32	54
Passing too close around end of string of cars								
Caught in frog, guard rail, or switch rod				6				6
Caught by engine or car while throwing switch				5				5
Falling off cars while climbing up and coming down side or end ladders				21				21
Falling off car while working hand-brake			1	12			1	12
Asphyxiated in tunnel			1				1	
Handling freight				42				42
Loading and unloading O C S material				19				19
Building and repairing				4				4
Working in coal chute			1	7		1	1	8
Cars moved while loading and unloading				11		1		12
Drawbridge open			1				1	
Repairing cars on running track when moved by engine			2	7			2	7
Locomotive dropping crown sheet of fire box			1	8			1	8
Coupling and uncoupling air hose				5				5
	28	202	117	1,344	119	267	264	1,813

STATEMENT No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919.

	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars account open switch.		Collision at level level grade (diamond) crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	2	39		6		14		23				2			3	17	7	12
Canadian Pacific	3	34	8	29	3	8	1	3			1	2	2	2		2	2	2
Canadian Northern	4	42		17		26		12		1		3	1	14				4
Michigan Central		2					1											
Grand Trunk Pacific		8				2		1						1				
Brantford and Hamilton		8																
Canadian Government Railways		1																
New York Central		2																
Lake Erie and Northern								1										
Edmonton, Dunvegan and British Columbia		6																
Quebec, Montreal and Southern		1																
London and Port Stanley		12		5		2												
Wabash																		
Algoma Central and Hudson Bay																		
Kettle Valley		1																
Windsor, Essex and Lake Shore																		
British Columbia Electric																		
Père Marquette						1												2
Toronto, Hamilton and Buffalo		1															1	
Vancouver, Victoria and Eastern		2												1		1		
Hull Electric																		
Esquimalt and Nanaimo																		
	9	159	8	57	3	53	2	40		1	1	7	3	18	3	20	10	20

STATEMENT No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919—(*Continued.*)

	Public highway crossing protected by watchman.		Public highway crossing unprotected		Private crossing		Trespassing.		Working on or under engine.		Miscellaneous.		Adjusting couplers, coupling and uncoupling.		Working on track or bridge.		Falling off hand car, motor, or velocipede.		Hand car, motor, velocipede struck by train.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	1	3	8	36	...	3	28	43	....	109	....	149	1	37	....	16	1	7	1	1
Canadian Pacific	.....	1	10	29	1	2	34	27	1	7	28	23	3	11	1	...	3	3	5	4
Canadian Northern	.....	1	6	29	....	....	7	19	....	31	....	63	1	11	1	27	2	16	1	6
Michigan Central	.....	.....	1	2	....	1	2	3	....	15	1	23	1	8	....	7	....	1	1	.....
Grand Trunk Pacific	.....	.....	1	8	....	....	3	1	....	1	....	8	.....	3	....	7	1	9	.....	3
Brantford and Hamilton	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Canadian Government Railways	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	1	.....	.....	.....	.....	.....	.....
New York Central	.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Lake Erie and Northern	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Edmonton, Dunvegan and British Columbia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Quebec, Montreal and Southern	.....	.....	.....	.....	.....	.....	1	1	....	1	.....	2	.....	1	.....	.....	.....	.....	.....	.....
London and Port Stanley	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wabash	.....	.....	.....	.....	.....	.....	1	.....	.....	8	.	5	.....	.....	.....	.....	.....	.....	.....	.....
Algoma Central and Hudson Bay	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kettle Valley	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Windsor, Essex and Lake Shore	.....	.....	1	4	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
British Columbia Electric	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Père Marquette	.....	.....	.....	1	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Toronto, Hamilton and Buffalo	.....	2	.....	2	.....	.....	.....	2	.....	3	.....	3	.....	2	.....	1	.....	.....	.....	.....
Vancouver, Victoria and Eastern	.....	.....	.....	.....	.....	.....	1	2	....	3	.....	6	.....	.....	....	3	.....	.....	1	1
Hull Electric	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Esquimalt and Nanaimo	.....	.....	.....	1	.....	.....	.....	2	....	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....
	1	7	27	115	3	6	77	102	1	180	30	288	6	75	2	61	7	36	10	15

STATEMENT No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919— (*Continued.*)

	Crawling cars.		Crawling through cars over couplers.		Caught while passing through cars between couplers.		Struck by cars standing foul.		Struck by switch stand water spout, mail crane, etc.		Crushed between cars, buildings, lumber piles etc.		Explosion of locomotive boiler.		Falling off passenger train.		Falling off tender while handling coal.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk				2		1		3		13	1	5			3	1		2
Canadian Pacific				2	2	3		2	1	1	1	2			2	4		
Canadian Northern		1		1					1	2	1	3			1			1
Michigan Central				2			1			3		2				1		
Grand Trunk Pacific								1		2		1			1	1		
Brantford and Hamilton																		
Canadian Government Railways																		
New York Central																		
Lake Erie and Northern																		
Edmonton, Dunvegan and British Columbia																		
Quebec, Montreal and Southern																		
London and Port Stanley																		
Wabash																		
Algoma Central and Hudson Bay																		
Kettle Valley																		
Windsor, Essex and Lake Shore																		
British Columbia Electric																		
Pere Marquette																		
Toronto, Hamilton and Buffalo																		
Vancouver, Victoria and Eastern																		
Hull Electric																		
Esquimalt and Nanaimo																		
	....	1	.....	7	2	4	1	6	2	22	3	13	..	..	7	7	..	3

STATEMENT No. 4.—(*Continued.*)

	Falling off tender while taking water.		Industrial.		Riding on pilot of engine.		Overhead bridge.		Repairing cars on repair track when moved by engine.		Falling off top of car.		Falling between cars going over top.		Application of air brake.		Jumping off train in motion.		Attempt to board train in motion.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk		3		49		8		5			1	12	3	2		18		23	1	14
Canadian Pacific				4		1	1	2		1	1	9		4			5	8	2	14
Canadian Northern		2		22		1						9				2		8		3
Michigan Central		1		11		2						5		2		11		5		1
Grand Trunk Pacific				9		1						1		1						1
Brantford and Hamilton																				
Canadian Government Railways						1														1
New York Central												1								
Lake Erie and Northern																				
Edmonton, Dunvegan and British Columbia																				
Quebec, Montreal and Southern																1				
London and Port Stanley																				
Wabash						1										1		1		
Algoma Central and Hudson Bay																				
Kettle Valley																				
Windsor, Essex and Lake Shore																				
British Columbia Electric																				1
Père Marquette																				
Toronto, Hamilton and Buffalo			1	1		1														
Vancouver, Victoria and Eastern				1														1		
Hull Electric																				
Esquimalt and Nanaimo																				
		6	1	97		16	1	7		1	2	37	3	9		33	5	46	3	35

STATEMENT No. 4.—(*Continued.*)

	Washout.		Bridge gave way or burnt.		Electrocuted.		Run down by engine or car.		Passing too close around end of string of cars.		Caught in frog, guard rail or switch rod.		Caught by engine or car throwing switch.		Falling off cars while climbing up and coming down side or end ladders.		Falling off cars while working hand brakes.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk							7	20				5				9	1	3
Canadian Pacific					1		21	19								3		2
Canadian Northern							1	11						5				5
Michigan Central							2	1								6		
Grand Trunk Pacific								2										
Brantford and Hamilton																		
Canadian Government Railways								1										
New York Central																		
Lake Erie and Northern																		
Edmonton, Dunvegan and British Columbia																		
Quebec, Montreal and Southern																		
London and Port Stanley																		
Wabash																		1
Algoma Central and Hudson Bay					1													
Kettle Valley																		
Windsor, Essex and Lake Shore																		
British Columbia Electric																		
Père Marquette																		
Toronto, Hamilton and Buffalo							1									2		
Vancouver, Victoria and Eastern												1						1
Hull Electric																		
Esquimalt and Nanaimo																1		
					2		32	54				6		5		21	1	12

STATEMENT No. 4.—(*Concluded.*)

Name of Railway.	Asphyxiated in tunnel.		Handling freight.		Loading and unloading O.C.S. material.		Building and repairing.		Working in coal chute.		Cars moved while loading and unloading.		Draw-bridge open.		Repairing cars on running track when moved by engine.		Locomotive dropping crown sheet of firebox.		Coupling and uncoupling air hose.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk				23		4		2		5		11				3		3		5	69	771
Canadian Pacific	1					3			1				1		2	2	1	1			139	276
Canadian Northern				9		7		2		3		1				1		3			27	424
Michigan Central				2		2										1					10	120
Grand Trunk Pacific				4		2												1			6	79
Brantford and Hamilton																						8
Canadian Government Railways																						9
New York Central																						6
Lake Erie and Northern																						4
Edmonton, Dunvegan and B.C.																						6
Quebec, Montreal and Southern																					1	7
London and Port Stanley																						19
Wabash																					1	7
Algoma Central and Hudson Bay																					1	
Kettle Valley																						1
Windsor, Essex and Lake Shore																					3	4
British Columbia Electric																						1
Père Marquette																						6
Toronto, Hamilton and Buffalo				3		1															3	24
Vancouver, Victoria and Eastern				1																	2	25
Hull Electric																					1	
Esquimalt and Nanaimo																					1	6
	1			42		19		4	1	8		12	1		2	7	1	8		5	264	1,813

STATEMENT No. 5.—Comparative statement in totals of killed and injured between years ending March 31, 1918, and March 31, 1919, separately for each and every year.

Character of Accidents.	1918.		1919.		1919. Increase.		1919. Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment	19	242	9	159			10	83
Collision head-on	6	47	8	57	2	10		
Collision rear-end	14	86	3	53			11	33
Collision in yard	9	58	2	40			7	18
Collision with cars standing foul of main line		14		1				13
Collision with cars account open switch		7	1	7	1			
Collision at grade level (diamond) crossing		14	3	18	3	4		
Public highway crossing protected by gates	6	15	3	20		5	3	
Public highway crossing protected by bell	9	12	10	20	1	8		
Public highway crossing protected by watchman		5	1	7	1	2		
Public highway crossing unprotected	52	119	27	115			25	4
Private crossing		2	3	6	3	4		
Trespassing	93	64	77	102		38	16	
Working on or under engine	1	114	1	18	0	66		
Miscellaneous	12	299	20	288	8			11
Adjusting couplers, coupling and uncoupling	5	70	6	75	1	5		
Working on track or bridge	2	101	2	61				40
Falling off handcar, motor or velocipede	2	23	7	36	5	13		
Handcar, motor or velocipede struck by train	5	11	10	15	5	4		
Crawling under cars		1		1				
Crawling through cars over couplers	1	3		7		4	1	
Caught while passing through cars between couplers	5	4	2	4			3	
Struck by car standing foul		10	1	6	1			4
Struck by switch stand, water spout, mail crane, etc		15	2	22	2	7		
Crushed between cars, building, lumber pile, platform, etc	1	12	3	13	2	1		
Explosion of locomotive boiler		1						1
Falling off passenger train	4	13	7	7	3			6
Falling off tender while handling coal		3		3				
Falling off tender while taking water		7		6				1
Industrial	4	118	1	97			3	21
Riding on pilot of engine		4		16		12		
Overhead bridge			1	7	1	7		
Repairing cars on running track when moved by engine	2			1		1	2	
Falling off top of car	6	23	2	37		14	4	
Falling between cars going over top	1	2	3	9	2	7		
Application of air brake	1	15		33	—	18	1	
Jumping off train in motion	6	46	5	46			1	
Attempt to board train in motion	13	24	3	35		11	10	
Washout								
Bridge gave way or burnt								
Electrocuted	1		2		1			
Run down by engine or car	43	50	32	54		4	11	
Passing too close around end of string of cars								
Caught in frog, guard rail, or switch road		5		6		1		
Caught by engine or car while throwing switch		4		5		1		
Falling off cars while climbing up and coming down side or end ladders	1	7		21		14	1	
Falling off car while working handbrake	1	11	1	12		1		
Asphyxiated in tunnel			1		1			
Handling freight	2	80		42			2	38
Loading and unloading OCS material		33		19				14
Building and repairing		10		4				6
Working in coal chute	1	5	1	8		3		
Cars moved while loading and unloading	1	8		12		4	1	
Drawbridge open			1		1	—		
Repairing cars on running rack when moved by engine	1	4	2	7	1	3		
Locomotive dropping crown sheet of fire box		3	1	8	1	5		
Coupling and uncoupling air hose	3	6		5			3	1
	333	1,830	264	1,813	46	277	115	294
	264	1,813					46	277
Decrease	69	17					69	17

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STATEMENT No. 6.—Comparative statement in total of killed and injured between year ending March 31, 1918, and March 31, 1919, for each railway separately.

Name of Railway.	1918.		1919.		1919. Increase.		1919. Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	105	629	69	771	.....	142	36	.....
Canadian Pacific	129	282	139	276	10	.....	.....	6
Canadian Northern	46	348	27	424	.....	76	19	.....
Michigan Central	22	184	10	120	.....	.....	12	64
Grand Trunk Pacific	7	104	6	79	.....	.....	1	25
Brantford and Hamilton	1	5	.....	8	.....	3	1	.....
Canadian Government	.....	.....	.....	9	.....	9	.....	.....
New York Central	.....	11	.....	6	.....	.....	.....	5
Lake Erie and Northern	1	22	.....	4	.....	.....	1	18
Edmonton, Dunvegan and British Columbia	.....	.....	.....	6	.....	6	.....	.....
Quebec, Montreal and Southern	1	12	1	7	.....	.....	.....	5
London and Port Stanley	1	1	.....	19	.....	18	1	.....
Wabash	3	25	1	17	.....	.....	2	8
Algoma Central and Hudson Bay	2	1	1	.....	.....	.....	1	1
Kettle Valley	.....	4	.....	1	.....	.....	.....	3
Windsor, Essex and Lake Shore	.....	6	3	4	3	.....	.....	2
British Columbia Electric	.....	.....	.....	1	.....	1	.....	.....
Pere Marquette	2	13	.....	6	.....	.....	2	7
Toronto, Hamilton and Buffalo	2	82	3	24	1	.....	.....	58
Vancouver, Victoria and Eastern	5	56	2	25	.....	.....	3	31
Hull Electric	.....	3	1	.....	1	.....	.....	3
Esquimalt and Nanaimo	.....	9	1	6	1	.....	.....	3
Essex Terminal	.....	3	.....	.....	.....	.....	.....	3
Chatham, Wallaceburg and Lake Erie	1	.....	.....	.....	.....	.....	1	.....
Central Vermont	.....	1	.....	.....	.....	.....	.....	1
Midland	.....	2	.....	.....	.....	.....	.....	2
Montreal and Southern Counties	.....	20	.....	.....	.....	.....	.....	20
Thousand Islands	1	.....	.....	.....	.....	.....	1	.....
Oshawa	.....	2	.....	.....	.....	.....	.....	2
Dominion Atlantic	2	4	.....	.....	.....	.....	2	4
Great Northern	2	1	.....	.....	.....	.....	2	1
	333	1,830	264	1,813	16	255	85	272
	264	1,813	.....	.....	.....	.....	16	255
Decrease	69	17	.....	.....	.....	.....	69	17

STATEMENT No. 7.—Statement showing the number of highway crossing accidents with the total number of killed and injured by provinces and railways for the year ending March 31, 1919.

Name of Railway.	Ontario.			Quebec.			New Brunswick.			Nova Scotia.			Manitoba.			British Columbia.			Saskatchewan.			Alberta.			Total.		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.
Esq. and Nanaimo..																											
Grand Trunk.....	47	13	52	19	6	16										1		1							66	19	68
Canadian Pacific....	12	4	11	15	3	15										1	1		4	4	4	3		4	35	12	34
Michigan Central...	2	1	2										7	1	10				4		4	6	4	7	26	6	34
Canadian Northern.	6	1	10	3		3							1	1	1				3		7				4	1	8
Grand Trunk Pacific.....																									2		3
Père Marquette.....	2		3																						4	1	5
Toronto, Hamilton and Buffalo.....	4	1	5																						1		1
Windsor, Essex and Lake Shore.....	1		1																						1		1
Lake Erie and Northern.....	1		1																						1		1
	75	20	85	37	9	34							8	2	11	2	1	1	11	4	15	9	4	11	142	40	157

STATEMENT No. 8.—Statement showing highway crossings at which protection provided, and nature of protection, during year ending March 31, 1919.

File No.	Order No.	Location of Crossing.	Railway.	Nature of Protection.
26727·27	27387	Galt, Ont., Beverley St., and Macadamized road (Dundas and Waterloo Road)	C.P.R.	Train movements to be flagged.
26727·25	27389	Galt, Ont., Beverley St., near Roelafson Factory	C.P.R.	Train movements to be flagged.
9437·44	27215	Hawkesbury, Ont., Main Street	G.T.R.	Watchman—8 a.m. to 8 p.m.
3878·285	27203	Trenton, Ont., Marmora Street	C.N.R.	Watchman—day and night.
26765·49	27194	Galt, Ont., Hespeler Road	G.T.R.	Removal of trees.
26842·1	27179	Hagarsville, Ont., Tuscarora Street	M.C.R.	Watchman—day time.
9437·1248	27216	Hawkesbury, Ont., Regent Street	G.T.R.	Bell.
26842·6	27238	Hagarsville, Ont., Main Street	M.C.R.	Gates.
26765·65	27218	Dorchester, Ont., Highway immediately west	G.T.R.	Removal of old house obstructing view.
27156·28	27313	Newport Sub., Highway North of Crowell's Siding, M.P. 39·4	C.P.R.	Bell.
26727·30	27706	Ingersoll, Ont., King Street west	C.P.R.	Bell.
15725	28172	Mission City, B.C., Horne avenue	C.P.R.	Bells (One on each side.)
27401	28129	Woodstock, N.B., Bull Street	C.P.R.	Bell.
27156·34	27979	Deschènes, Que., Deschènes Crossing	C.P.R.	Bell.
9437·463	27716	Morse, Sask., first crossing west	C.P.R.	Bell.
27156·25	28119	M.P. 26½, Maniwaki Sub	C.P.R.	Bell.
26842·4	27583	Twp. of Maidstone, Ont., Co. Essex, North Talbot Road	M.C.R.	Diversion.
26842·4	27583	Twp. of Maidstone, Ont., Co. Essex, Naylor Side Road	M.C.R.	Bells—One on each side; cars kept clear 200′ on sidings.
9437·656	27294	Piles Jct., Que., Que. ¼ west of	C.P.R.	Overhead bridge substituting bell by Order No. 14349.
9437·1160	27616	Dorval, Que., Cote de Liesse Road	C.P.R. and G.T.R.	Gates.
9437·943	27589	Richmond, Que., 3 miles east of in Twp. Cleveland	C.P.R.	Two crossings closed and one diversion.

STATEMENT No. 9.—Statement showing the number of highway crossings at which protection has been ordered by the Board, and the nature of protection set out by provinces, for the year ending March 31, 1919.

Nature of Protection.	Nova Scotia.	New Brunswick.	Quebec	Ontario	Manitoba.	Saskat-chewan.	Alberta.	British Columbia.	Total.
Bells		1	3	4		1		2	11
Gates			1	1					2
Closing streets			2						2
Overhead bridge			1						1
Diversion			1	1					2
Train movements flagged				2					2
Watchman				3					3
Removal of houses and trees				2					2
Cars kept clear specified distance				1					1
		1	8	14		1		2	26

STATEMENT No. 10.—Statement showing number of persons killed and injured at public highway crossings. Separately for each year for five years ending March 31, 1919.

Year.	Gates.		Bell.		Watchman.		Unprotected		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
1915	6	10	2	7	2	5	37	68	47	90
1916	3	4	9	8	2	5	31	57	45	74
1917	10	15	4	10	1	13	45	98	60	136
1918	6	15	9	12		5	52	119	67	151
1919	3	20	10	20	1	7	27	115	41	162
	28	64	34	57	6	35	192	457	260	613

STATEMENT No. 11.—Statement showing the number of highway crossing accidents, the nature of same, for each and every year separately for the five years ending March 31, 1919.

—	Gates.						Watchman.						Bell.						Unprotected.						Total.					
	1915	1916	1917	1918	1919	Total.	1915	1916	1917	1918	1919	Total.	1915	1916	1917	1918	1919	Total.	1915	1916	1917	1918	1919	Total.	1915	1916	1917	1918	1919	Total.
Automobile...	2	..	2	1	3	8	1	2	1	3	1	8	1	2	4	5	13	25	9	11	29	45	49	143	13	15	36	54	66	184
Horse and rig.	2	1	2	1	...	6	2	1	4	3	...	10	3	7	7	3	1	21	59	49	45	43	28	224	66	58	58	50	29	261
Pedestrian....	11	6	12	9	17	55	1	3	1	1	6	12	3	2	4	4	3	16	20	17	25	21	21	104	35	28	42	35	47	187
	15	7	16	11	20	69	4	6	6	7	7	30	7	11	15	12	17	62	88	77	99	109	98	471	114	101	136	139	142	632

The grand total of 632 accidents covers 260 persons killed and 613 persons injured, as referred to in the preceding statement.

STATEMENT No. 12.—Statement showing the number of trespassers killed and injured by provinces and railways for the year ending March 31, 1919.

Name of Railway.	Nova Scotia.		New Brunswick.		Quebec.		Ontario.		Manitoba.		Saskatchewan.		Alberta.		British Columbia.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk					10	14	18	29									28	43
Canadian Pacific				3	7	2	19	18	3	2	2	..	2	1	1	1	34	27
Canadian Northern		2			1	6	1	4		2	3	1	1	3	1	1	7	19
Quebec, Montreal and Southern					1	1											1	1
Wabash							1										1	
Michigan Central							2	3									2	3
Pere Marquette								2										2
Grand Trunk Pacific											1				2	1	3	1
Toronto, Hamilton and Buffalo								2										2
Vancouver, Victoria and Eastern															1	2	1	2
Esquimalt and Nanaimo																2		2
		2		3	19	23	41	58	3	4	6	1	3	4	5	7	77	102

STATEMENT No. 13.—Statement showing the number of persons killed and injured on the various railways under the judisdiction of the Board from April, 1910, until March 31, 1919, classified under three headings and shown separately for each and every year.

Year.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
1910	51	211	194	745	211	167	456	1,123
1911	24	132	263	788	207	199	494	1,119
1912	28	292	230	1,381	231	238	489	1,911
1913	21	410	303	1,603	319	218	643	2,231
1914	31	339	249	1,250	314	310	594	1,899
1915	8	239	99	873	230	251	337	1,363
1916	17	140	120	788	200	197	337	1,125
1917	16	280	155	1,174	212	239	383	1,693
1918	22	342	137	1,220	174	268	333	1,830
1919	28	202	117	1,344	119	267	264	1,813
	246	2,587	1,867	11,166	2,217	2,354	4,330	16,107

STATEMENT No. 14.—Statement showing the number of persons killed and injured in the more prominent accidents on the various railways under the jurisdiction of the Board, shown separately for each year for the five years ending March 31, 1919.

	1915.		1916.		1917.		1918.		1919.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I. fi
Derailment	7	82	6	55	10	234	19	242	9	159	51	772
Collision head-on	2	46	4	5	6	45	6	47	8	57	26	200
Collision rear end	7	49	11	76	16	42	14	86	3	53	51	306
Collision in yard	3	54	26	31	3	13	9	58	2	40	43	196
Collision with cars, open switch	.....	4	.....	3	.....	15	.....	7	1	7	1	36
Collision with cars, foul main line	.....	2	1	.....	2	5	.....	14	.....	1	3	22
Collision at level crossing	2	22	.....	1	2	22	.....	14	3	18	7	77
Highway crossing protected	10	22	14	17	15	38	15	32	14	47	68	156
Highway crossing unprotected	37	68	31	57	45	98	52	119	27	115	192	457
Adjusting couplers, uncoupling, etc	7	38	5	39	5	53	5	70	6	75	28	275
Trespassing	170	126	143	102	129	79	93	64	77	102	612	473
Handcar, motor, struck by train	5	9	5	3	6	7	5	11	10	15	31	45
Struck by switch stand, etc	1	8	2	6	.....	19	.....	15	2	22	5	70
Caught between cars and buildings	.....	9	2	8	1	17	1	12	3	13	7	59
Falling off passenger train	3	11	1	12	4	13	4	13	7	7	19	56
Falling off top of car	4	22	5	22	4	21	6	23	2	37	21	125
Falling between cars going over top	2	3	....	3	2	4	1	2	3	9	8	21
Jumping off train in motion	3	45	11	38	12	53	6	46	5	46	37	228
Attempt to board train in motion	2	29	8	22	4	30	13	24	3	35	30	140
Run down by engine or car	33	41	27	42	63	56	43	50	32	54	198	243
Locomotive dropping crown sheet	.....	3	.....	.....	.....	2	.....	3	1	8	1	16
	298	693	302	542	330	866	292	952	218	920	1,440	3,973

STATEMENT No. 15.—Statement showing number of cars inspected for year ending March 31, 1919, together with defects noted.

Name of Railway.	Cars inspected.	Cars defective.	Per cent defective.	Grand total defects.	Couplers and parts.	Per cent defective.	Uncoupling mechanism.	Per cent defective.	Hand-holds.	Per cent defective.	Air brakes.	Per cent defective.
Canadian Pacific	31,787	1,711	5·31	1,920	41	2·08	322	16·77	61	3·18	1,194	62·18
Grand Trunk	22,458	1,224	5·45	1,414	38	2·69	204	14·43	37	2·62	943	66·62
Canadian National	13,908	731	5·26	817	21	2·57	191	23·38	32	3·92	454	55·57
Grand Trunk Pacific	2,953	158	5·35	168	3	1·79	39	23·21	9	5·36	81	48·21
Michigan Central	2,222	105	4·73	110	.....	.....	6	5·45	3	2·73	86	78·18
Toronto, Hamilton and Buffalo	1,348	77	5·76	73	1	1·37	8	10·96	1	1·37	56	76·72
Père Marquette	822	55	6·69	60	.....	.....	2	3·34	2	3·34	42	70·00
Dominion Atlantic	343	34	9·91	43	.....	.....	4	9·30	.....	.....	27	62·71
Quebec Oriental	228	27	11·84	40	2	5·00	14	35·00	1	2·5	18	45·00
Winnipeg Joint Terminals	358	8	2·23	8	.....	.....	2	25·00	.....	.....	6	75·00
Algoma Eastern	53	23	43·39	18	1	5·55	5	27·77	1	5·55	10	55·55
Algoma Central	585	60	10·25	69	2	2·89	8	11·59	3	4·35	34	49·27
Boston and Maine	96	8	8·32	8	.....	.....	1	12·00	.....	.....	5	62·5
New York and Ottawa	25	4	16·00	4	.....	.....	2	50·00	1	25·00	1	25·00
London and Port Stanley	75	7	9·33	8	.....	.....	1	12·00	1	12·00	2	25·00
	77,261	4,232	5·48	4,760	109	2·29	809	16·99	152	3·19	2,959	62·16

STATEMENT No. 15.—Statement showing number of cars inspected for year ending March 31, 1919, together with defects noted.

Name of Railway.	Ladders.	Per cent defective.	Sill steps.	Per cent defective.	Height of couplers.	Per cent defective.	Miscellaneous.	Per cent defective.
Canadian Pacific	65	3·31	125	6·50	6	·31	106	5·50
Grand Trunk	38	2·69	42	2·97	4	·29	108	7·64
Canadian National	22	2·69	39	4·79	.....	.....	58	7·09
Grand Trunk Pacific	5	2·98	9	5·36	1	·59	21	12·5
Michigan Central	4	3·64	3	2·73	.....	.....	8	7·27
Toronto, Hamilton and Buffalo	2	2·74	2	2·74	.....	.....	3	4·10
Pere Marquette	2	3·34	.....	.....	.....	.....	12	20·00
Dominion Atlantic	2	4·65	7	16·28	.....	.....	3	6·98
Quebec Oriental	.....	.....	2	5·00	.....	.....	3	7·5
Winnipeg Joint Terminals	.....	.....	.....	.....	.....	.....	.....	.....
Algoma Eastern	.....	.....	1	5·55	.....	.....	.....	.....
Algoma Central	2	2·89	6	8·69	.....	.....	14	20·29
Boston and Maine	.....	.....	.....	.....	.....	.....	2	25·00
New York and Ottawa	.....	.....	.....	.....	.....	.....	.....	.....
London and Port Stanley	.....	.....	.....	.....	.....	.....	4	50·00
	142	2·98	236	4·96	11	·23	342	7·18

STATEMENT No. 16.—Statement showing defective safety appliances on freight cars as reported by the inspectors for year ending March 31, 1919.

COUPLERS AND PARTS.

Coupler body broken	
Coupler body worn	1
Guard arm short	1
Knuckle broken	
Knuckle worn	1
Knuckle missing	8
Knuckle pin broken	2
Knuckle pin wrong	1
Knuckle pin bent	
Knuckle pin missing	6
Lock block broken	81
Lock block worn	3
Lock block wrong	
Lock block bent	
Lock block inoperative	2
Lock block missing	2
Lock block key missing	1
Lock block trigger missing	
Total	109

UNCOUPLING MECHANISM.

Uncoupling lever broken	25
Uncoupling lever wrong	
Uncoupling lever bent	32
Uncoupling lever incorrectly applied	2
Uncoupling lever missing	68
Uncoupling chain broken	538
Uncoupling chain too long	
Uncoupling chain too short	8
Uncoupling chain kinked	2
Uncoupling chain missing	112
End casting broken	8
End casting wrong	
End casting bent	3
End casting loose	4
End casting incorrectly applied	1
End casting missing	3
Keeper broken	2
Keeper wrong	
Keeper bent	
Keeper loose	1
Keeper incorrectly applied	
Keeper missing	
Angle clip loose	
Total	809

HANDHOLDS.

Handhold broken	7
Handhold bent	109
Handhold loose	7
Handhold incorrectly applied	
Handhold missing	29
Total	152

HEIGHT OF COUPLERS.

Coupler too high	
Coupler too low	3
Carrier iron loose	8
Total	11

STATEMENT No. 16.—*Concluded.*

AIR BRAKES.

Triple valve defective	
Triple valve missing	
Reservoir defective	
Reservoir loose	2
Cylinder defective	23
Cylinder loose	62
Cylinder and triple valve not cleaned within 12 months	28
Cylinder and triple valve not stencilled with date of cleaning	1
Cut out cock defective	64
Release cock defective	2
Release cock missing	3
Release rod broken	112
Release rod missing	66
Angle cock defective	194
Angle cock missing	9
Train pipe broken	15
Train pipe loose	68
Train pipe bracket missing	27
Crossover pipe defective	31
Hose defective	3
Hose missing	132
Hose gasket missing	
Retaining valve defective	5
Retaining valve missing	6
Retaining pipe defective	98
Retaining pipe missing	4
Brake rigging defective	187
Brake cut out	1,789
Brake cut out card old	14
No brake of any kind	13
Pump missing	1
Total	2,959

LADDERS.

Ladder round broken	26
Ladder round bent	99
Ladder round loose	8
Ladder round missing	7
Ladder loose	2
Ladder incorrectly applied	
Total	124

SILL STEPS.

Sill step broken	3
Sill step bent	214
Sill step loose	5
Sill step incorrectly applied	2
Sill step missing	12
Total	236

MISCELLANEOUS.

Total	342
Grand total	4,760

STATEMENT No. 17 "A".—Statement of defects on freight cars shown separately for each year for five years ending March 31, 1919.

	1915	1916	1917	1918	1919	Total
Couplers and parts	166	100	100	54	109	529
Uncoupling mechanism	886	551	548	470	809	3,264
Handholds	182	340	291	158	152	1,123
Air brakes	4,181	3,127	1,887	1,710	2,959	13,864
Ladders	417	151	99	97	142	906
Sill steps	301	213	195	158	236	1,103
Height of couplers		4	4	6	11	25
Miscellaneous	876	565	371	214	342	2,368
	7,009	5,051	3,495	2,867	4,760	23,182

STATEMENT No. 17 "B".—Statement of cars inspected and defective shown separately for each year for five years ending March 31, 1919.

	1915	1916	1917	1918	1919	Total
Cars inspected	105,485	77,491	58,073	52,224	77,261	370,534
Cars defective	6,578	4,541	2,957	2,499	4,232	20,807
Percentage defective	6·24	5·86	5·09	4·79	5·48	5·62

APPENDIX "D."

REPORT OF THE CHIEF FIRE INSPECTOR.

OTTAWA, March 31, 1919.

A. D. CARTWRIGHT, Esq.,
Secretary, Board of Railway Commissioners,
Ottawa, Ont.

SIR,—I have the honour to submit herewith the report of the Fire Inspection Department, for the year ending March 31, 1919, for the fourteenth annual report of the Board.

RAILWAY LINES WITHDRAWN FROM JURISDICTION OF THE BOARD.

Since submitting the last annual report of this department, four railway lines in the province of New Brunswick have been absorbed into the Canadian Government Railways system, viz: the Elgin and Havelock, 28 miles; the Salisbury and Albert, 45 miles; the Saint Martins, 30 miles; and the Moncton and Buctouche, 32 miles. These lines having been withdrawn from the Board's jurisdiction, no information or figures are available as to the fire situation on these lines during the past fire season.

ORGANIZATION.

The co-operative relationship between the Fire Inspection Department of the Board and the respective Dominion and provincial forest fire-protective organizations has continued in effect. During the past year, eighty-five officials of such organizations have acted as local officers of the Fire Inspection Department as follows:—

British Columbia Forest Branch	29 men.
Dominion Parks Branch	4 "
Dominion Forestry Branch	5 "
Ontario Forestry Branch	24 "
Quebec Forest Service	15 "
New Brunswick Forest Service	3 "
Office of Chief Fire and Game Guardian of Alberta	3 "
Office of Fire Commissioner of Saskatchewan	2 "
Total	85 men.

RAILWAY FIRE PATROLS.

As reported last year, the special patrol requirements are now largely standardized. Taking into consideration the difficulties, due to war conditions, of securing competent men and equipment, the patrol requirements and fire protective measures prescribed were, on the whole, reasonably carried out.

FIRE STATISTICS.

A grand total of 1,144 fires, from all causes, were reported as having originated within 300 feet of railway lines subject to the Board, during 1918. These fires were distributed throughout the Dominion as follows:—

344	fires	or	30·1	per	cent	occurred	in British Columbia.
184	"	"	16·1	"	"	"	" Prairie Provinces.
464	"	"	40·6	"	"	"	" Ontario.
94	"	"	8·2	"	"	"	" Quebec.
6	"	"	·5	"	"	"	" New Brunswick.
52	"	"	4·5	"	"	"	" Nova Scotia.

Of the grand total of 1,144 fires reported, 468 were class A fires, which did no damage, while 676 fires were class B fires, which burned over 64,591 acres, destroying property valued at $102,416. Of the total of B class fires, 78 per cent are definitely attributed to railway agencies, 7 per cent to known causes other than railways, and 15 per cent to unknown causes. A total area of 64,591 acres was burned over, of which 89 per cent is chargeable against the railways, 3 per cent to known causes other than railways, and 8 per cent to unknown causes. The total damage done is estimated at $102,416. Of this, the railways are definitely charged with 66 per cent, while 26 per cent of the damage is due to known causes other than railway, and 8 per cent to unknown causes.

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1918.

	Canadian Pacific (Western Lines) (a)	Kettle Valley.	Canadian Pacific (Eastern Lines) (b)	Canadian Northern (Western Lines).	Canadian Northern (Eastern Lines) (c).	Grand Trunk Pacific.	Grand Trunk.	Great Northern (d).	Edmonton, Dunvegan and British Columbia	Algoma Central and Hudson Bay.	Miscellaneous (e).	Totals.
A. RAILWAY FIRES.												
1. *Number by Causes*—												
(*a*) Locomotives, Class A fires	70	4	27	21	152	34	12	31	10	4	5	370
Locomotives, Class B fires	22	30	103	32	83	34	45	29	60	5	11	454
(*b*) Employees, Class A fires	2	.....	.....	1	8	.....	.....	.....	.....	3	.....	14
Employees, Class B fires	2	.....	8	8	28	.....	3	5	5	1	1	59
(*c*) Total of Class A fires	72	4	27	22	160	34	12	31	10	7	5	384
Total of Class B fires	24	30	111	40	111	34	48	32	65	6	12	513
Total of all railway fires	96	34	138	62	271	68	60	63	75	13	17	897
2. *Areas burned (Acres)*—												
(*a*) Young forest growth	161	4	272	212	4,881	126	254	5	4,346	2	.....	10,263
(*b*) Timber land	224	588	171	715	7,505	62	12	50	5,943	3	.....	15,273
(*c*) Slashing or old burn	310	235	1,384	1,758	3,945	1	606	435	7,042	44	26	15,786
(*d*) Other classes of land	473	6,854	377	1,899	318	142	86	70	6,028	1	46	16,294
(*e*) Total	1,168	7,681	2,204	4,584	16,649	331	958	560	23,359	50	72	57,616
3. *Value of property destroyed*—												
(*a*) Young forest growth	$ 410	$ 8	$ 500	$ 652	$ 7,597	$ 365	$ 109	$ 7	$ 4,100	.....	.....	$ 13,748
(*b*) Standing timber	762	523	625	2,150	14,310	664	130	.....	9,227	$ 70	.....	28,461
(*c*) Forest products	.....	.....	261	2,090	77	.....	1,078	100	.....	.....	$ 131	3,737
(*d*) Other property	344	140	1,327	635	15,888	.....	1,400	380	1,705	75	40	21,934
(*e*) Total	$ 1,516	$ 671	$ 2,713	$ 5,527	$37,872	$ 1,029	$ 2,717	$ 487	$15,032	$ 145	$ 171	$ 67,880

SUMMARY of Reports on Fires in Forest Sections., etc.—*Concluded.*

	Canadian Pacific (Western Lines) (a)	Kettle Valley.	Canadian Pacific (Eastern Lines) (b)	Canadian Northern (Western Lines).	Canadian Northern (Eastern Lines) (c).	Grand Trunk Pacific.	Grand Trunk.	Great Northern (d).	Edmonton, Dunvegan and British Columbia	Algoma Central and Hudson Bay.	Miscellaneous (e).	Totals.
B. KNOWN CAUSES OTHER THAN RAILWAY FIRES.												
1. *Number by Causes*—												
(*a*) Campers and travellers—Class A fires	4		1	3	5			2	1			16
Campers and travellers—Class B fires	1		4	3	1	6						15
(*b*) Settlers, Class A fires				1	1							2
Settlers, Class B fires	4	1		7	1				4			17
(*c*) Other known causes—Class A fires	4	1		2	6	3						16
Other known causes—Class B fires	4		1	1	6					1		13
(*d*) Total of Class A fires	8	1	1	6	12	3		2	1			34
Total of Class B fires	9	1	5	11	8	6			4	1		45
Total of all known causes	17	2	6	17	20	9		2	5	1		79
2. *Areas burned (Acres)*—												
(*a*) Young forest growth	165				17				1			183
(*b*) Timber land	25					3						28
(*c*) Slashing or old burn	97	1		14	63	211						386
(*d*) Other classes of land	200	2	25	922					51	1		1,201
(*e*) Total	487	3	25	936	80	214			52	1		1,798
3. *Value of property destroyed*—												
(*a*) Young forest growth	$ 265		$		$ 30	$			$ 2			$ 297
(*b*) Standing timber						15						15
(*c*) Forest products					7,002							7,002
(*d*) Other property	2,140		1,225		10,348	5,500						19,213
(*e*) Total	$ 2,405		$ 1,225		$17,380	$ 5,515			$ 2			$ 26,527
C. FIRES OF UNKNOWN ORIGIN.												
1. *Number*—												
(*a*) Total of Class A fires	15		5	16	6	2	1	5				50
(*b*) Total of Class B fires	28	2	37	6	34	2	2			3	4	118
(*c*) Total of all unknown fires	43	2	42	22	40	4	3	5		3	4	168

2. *Areas burned (Acres)*—												
(*a*) Young forest growth	50	.....	22	50	50	.....	1	.....	.....	.....	.....	173
(*b*) Timber land	500	.....	76	182	33	.....	.....	.....	.....	.....	.....	791
(*c*) Slashing or old burn	2,003	1	1,096	7	162	90	5	.....	.....	2	5	3,371
(*d*) Other classes of land	28	1	102	4	700	1	.....	.....	.....	2	4	842
(*e*) Total	2,581	2	1,296	243	945	91	6	.....	.....	4	9	5,177
3. *Value of property destroyed*—												
(*a*) Young forest growth	$ 1,000	.....	$ 20	$ 150	$ 277	.....	$ 5	.....	.....	.....	.....	$ 1,452
(*b*) Standing timber	250	.....	850	3,350	96	.....	.....	.....	.....	.....	.....	4,546
(*c*) Forest products	45	.....	.....	9	143	.....	.....	.....	.....	.....	.....	197
(*d*) Other property	600	.....	350	.....	864	.....	.....	.....	.....	.....	.....	1,814
(*e*) Total	$ 1,895	.....	$ 1,220	$ 3,509	$ 1,380	.....	$ 5	.....	.....	.....	.....	$ 8,009
D. Grand Totals for All Causes.												
1. *Number*—												
(*a*) Total of all Class A fires	95	5	33	44	178	39	13	38	11	7	5	468
(*b*) Total of all Class B fires	61	33	153	57	153	42	50	32	69	10	16	676
(*c*) Total of all fires reported	156	38	186	101	331	81	63	70	80	17	21	1,144
2. *Areas burned (Acres)*—												
(*a*) Young forest growth	376	4	294	262	4,948	126	255	5	4,347	2	.....	10,619
(*b*) Timber land	749	588	247	897	7,538	65	12	50	5,943	3	.....	16,092
(*c*) Slashing or old burn	2,410	237	2,480	1,779	4,170	302	611	435	7,042	46	31	19,543
(*d*) Other classes of land	701	6,857	504	2,825	1,018	143	86	70	6,079	4	50	18,337
(*e*) Total	4,236	7,686	3,525	5,763	17,674	636	964	560	23,411	55	81	64,591
3. *Value of property destroyed*—												
(*a*) Young forest growth	$ 1,675	$ 8	$ 520	$ 802	$ 7,904	$ 365	$ 114	$ 7	$ 4,102	$	$	$ 15,497
(*b*) Standing timber	1,012	523	1,475	5,500	14,406	679	130	.....	9,227	70	.....	33,022
(*c*) Forest products	45	.....	261	2,099	7,222	.....	1,078	100	.....	.....	131	10,936
(*d*) Other property	3,084	140	2,902	635	27,100	5,500	1,400	380	1,705	75	40	42,961
(*e*) Total	$ 5,816	$ 671	$ 5,158	$ 9,036	$56,632	$ 6,544	$ 2,722	$ 487	$15,034	$ 145	$ 171	$102,416

(*a*) Includes Esquimalt and Nanaimo Railway.
(*b*) Includes Dominion Atlantic Railway.
(*c*) Includes Halifax and South Western Railway—approximately two-thirds of the fires charged to Canadian Northern (Eastern Lines) occurred on this line.
(*d*) Includes Victoria and Sidney.
(*e*) Includes following lines:—Algoma Eastern; Atlantic, Quebec and Western and Quebec Oriental; Boston and Maine; Cumberland Railway and Coal Company; Temiscouata; White Pass and Yukon.

Note.—No fires were reported during 1918 as originating within 300 feet of track along the following lines: Maine Central; Ottawa and New York; Quebec, Montreal and Southern; Western Power Company of Canada.

Class A fires are those which cover an area of less than one-fourth acre.
Class B fires are those which cover an area of one-fourth acre or more.

RIGHT OF WAY CLEARING.

The continued shortage of labour, coupled with the necessity of railway employees carrying out essential work, such as maintenance of track, etc., resulted in much less right of way clearing being done than would be the case under normal conditions.

FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES.

Four officers of the Fire Inspection Department (one in New Brunswick, one in Quebec, and two in Ontario) were especially detailed to make inspections of fire protective appliances on locomotives.

Thirteen additional officers were given instructions and made periodical inspections of fire protective appliances on locomotives during 1918.

During the fire season of 1918, extending from April 1 to November 1, officers of the Fire Inspection Department made 1,704 inspections of fire protective appliances on locomotives operating through forested territory. Of this number, 26·5 per cent were found defective. The majority of such defects were of a minor character.

The following table shows the number of locomotives so inspected and the percentage found defective on the following railway lines:—

Railway.	Number Inspected.	Number Defective.	Per cent Defective.
Canadian Pacific	652	213	32.6
Canadian Northern	459	105	22.8
Grand Trunk	211	54	25.5
Grand Trunk Pacific	83	9	10.8
Edmonton, Dunvegan and British Columbia	127	1	.8
Great Northern	25	17	68.0
Kettle Valley	15	8	53.3
Algoma Central and Hudson Bay	34	14	41.2
Algoma Eastern	22	15	68.2

The maintenance of fire protective appliances on locomotives in an efficient state is of the utmost importance between April 1 and November 1. The majority of fires occurring annually along railway lines are attributed to sparks thrown from locomotive stacks. During the past season 824 such fires, or 72 per cent of all fires reported, are attributed to sparks from locomotives. Of this number, 454 fires, or 39·7 per cent, burned over 57,616 acres and did damage estimated at $67,880.

LOCOMOTIVE FUEL.

During the season of 1918 the use of oil as locomotive fuel was discontinued between Jasper and Fort George on the Grand Trunk Pacific Railway. Oil fuel is still in use on this railway between Prince Rupert and Fort George.

FIRE GUARDS.

The fire guard requirements, issued under date of April 14, 1917, were adopted and applied as the measures necessary to be taken in connection with the construction and maintenance of fire guards for the year 1918.

The special arrangements made for the conduct of experiments, in specified limited territory, looking toward a reduction in the cost of fire guard construction and maintenance outlined in the last report, were continued.

Subject to specified conditions, authority was granted the several companies concerned, to handle the fire-guarding of wild lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, as to:

Canadian Pacific Railway: (1) All lines in the province of Manitoba; (2) The following subdivisions in the Saskatchewan district: Kisby, Colonsay, Bulyea, Indian

Head, Lanigan, Wynyard, Nacklin, Sutherland, Kelfield, Wilkie, Reford, Hardisty, Cut Knife. (3) The following subdivisions in the Alberta district: Alberta Central, Leduc, Coronation, Wgetaskiwin, Lacombe.

Canadian Northern Railway: Alliance, Edmonton, Vermilion, Battleford, Cut Knife, Sturgeon River, Strathcona, Brazeau and Battle River (between Vegreville Junction and Warden only) subdivisions.

Grand Trunk Pacific Railway: Winnipeg and Rivers, Rivers and Melville, Melville and Watrous, Watrous and Biggar, Biggar and Wainwright, Wainwright and Edmonton, Edmonton and Edson subdivisions.

Edmonton, Dunvegan and British Columbia railway: Between Edmonton and Mileage 70.0.

It was made clear that this modification of the fire guard requirements was on a purely experimental basis, with a view to determining what modifications, if any, are desirable in connection with the fire-guarding of wild lands in future years.

It was prescribed that the ploughing of the eight-foot strip in question should, so far as possible, be done at the outer edge of the sixteen-foot guard, to avoid the breaking of new ground, with consequent increase in the weed nuisance. Every effort was to be made in burning between the eight-foot ploughed strip and the track, to dispose of dead weeds and grass on the remaining portions of the old guard.

Reports are required to be submited to the Chief Fire Inspector, relative to each fire which occurs prior to June 1, 1919, in wild lands on any of the subdivisions in question. Such reports are to be submitted as the fires occur, and to contain the information called for by the Board's circular No. 133, and, in addition, in each case, a statement as to the width of ploughed strip, its distance from the track, whether fire jumped the guard, and any other information available, bearing on the efficiency of the fire-guarding arrangements at the point in question.

Statements are also to be submitted, in duplicate, when the ploughing of such guards is completed, showing the location by subdivisions, mileages, and side of track, of all eight-foot guards ploughed in wild lands; these statements to indicate also the date when the guard was ploughed.

Following the issuance of the above, the Canadian Pacific railway made application requesting that the territory, on which the option of ploughing eight-foot fire guards was granted, be enlarged, also that such option be extended to include fenced grazing lands. This necessitated a detailed examination of such territory in the field, and on the basis of reports and recommendations received, the company were granted further authority, subject to specified conditions, to handle the fire-guarding of wild lands and fenced grazing lands, on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, as to the Empress, Red Deer and Kerrobert subdivisions, and as to portions of the Indian Head, Brooks, Swift Current, Langdon, Laggan and Outlook subdivisions.

FIRE GUARD STATISTICS.

There were 14,237·90 track miles of railway lines in the three Prairie Provinces during 1918 subject to the fire guard requirements, an increase of 49·77 miles over 1917. This is equivalent to 28,475·80 fire guard miles, since fire guards are required to be maintained on both sides of a railway line.

The annual summary of fire guard construction and maintenance attached hereto shows that 10,142·54 miles of fire guards were constructed or maintained during the past year, and 18,333·26 miles for various reasons were not constructed. Of this, there was exempted by this department 8,433·18 miles; owner of land refused to allow construction, 26·28 miles; land already ploughed, 2,779·04 miles; grain stubble and cultivated hay lands not fire guarded by owner, 4,905·16 miles. Thus, as to a total of 16,143·66 miles of fire guards not constructed the reasons assigned by the companies were considered acceptable, leaving 2,189·60 miles unaccounted for, but which presumably should have been fire guarded.

SUMMARY of Fire Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1918.

—	Edmonton, Dunvegan and British Columbia	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.	Totals.
Length in track miles	406·60	162·38	2,002·40	5,254·20	6,412·12	14,237·90
Length in fire guard miles[1]	813·60	324·76	4,004·80	10,508·40	12,824·24	28,475·80
Fire guards constructed (shown in fire guard miles)—						
(*a*) Grain stubble lands (Fireguarded by owner.	3·25	88·50	41·50	777·40	1,507·32	2,417·97
(*b*) Cultivated hay lands (Fireguarded by owner.	0·34	.....	.....	211·30	15·18	226·82
(*c*) Fenced grazing lands	1·10	192·25	431·00	544·60	1,531·78	2,700·93
(*d*) Wild lands	0·45	0·50	710·40	1,473·40	2,612·07	4,796·82
Total miles of fire guards constructed	5·14	281·25	1,182·90	3,006·90	5,666·35	10,142·54
Fire guards not constructed (shown in fire guard miles)—						
Exemptions[2]	745·05	36·00	1,135·00	3,964·70	2,552·43	8,433·18
Owner refuses to allow construction[3]	.....	.....	.....	9·90	16·38	26·28
Unnecessary; land already ploughed[4]	.....	2·00	275·10	896·40	1,605·54	2,779·04
(*a*) Grain stubble lands (Not fireguarded by owner[5].	.....	.....	1,021·30	1,800·00	1,805·26	4,626·56
(*b*) Cultivated hay lands (Not fireguarded by owner[5].	.....	.....	9·30	198·30	71·00	278·60
Miscellaneous other reasons	63·41	3·51	381·20	632·20	1,107·28	2,189·60
Total miles of fire guards not constructed	808·46	43·51	2,821·90	7,501·50	7,157·89	18,333·26

[1] Fire guard mileage is double the track mileage, since the construction of fire guards, is required on both sides of the track.

[2] Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

[3] Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire guards.

[4] Fire guarding unnecessary, because fields already ploughed.

[5] Fire guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant would undertake to plough guard at the reasonable price specified by the Board.

SESSIONAL PAPER No. 20c

COMPLAINTS *re* FIRE GUARDS.

Fifteen specific complaints were received during 1918 as follows:—
Failure to plough or maintain guards in an efficient state:—

Canadian Pacific	1
Canadian Northern	3
Grand Trunk Pacific	1

Damage to crops and property by fires set:—

Canadian Northern	6
Canadian Pacific	4

Respectfully submitted,

CLYDE LEAVITT.
Chief Fire Inspector, B.R.C.

APPENDIX E.

Appeals.

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to March 31, 1919.

File No.	Subject.	Decision.
1114	Montreal Terminal Railway *vs.* Montreal Street Railway, Pius IX Avenue crossing, Montreal, Que. Question of jurisdiction	Allowed.
1492	James Bay Railway *vs.* Grand Trunk Railway crossing. Belt Line spur. Question of law	Dismissed.
383	Ottawa Electric Railway and City of Ottawa *vs.* Canada Atlantic Railway, *re* Bank Street subway, Ottawa. Question of law	Dismissed.
1621	Toronto Railway Company from Order of the Board No. 7813, dated July 3, 1909, *re* high level bridge over the Don improvement and tracks of the Canadian Pacific Railway and Grand Trunk Railway, Toronto. Question of jurisdiction	Dismissed.
588	*Re* Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction	Dismissed.
C 1309	Robinson *vs.* Grand Trunk Railway, two cent rate. Question of law	Dismissed.
689	Canadian Pacific Railway *vs.* Grand Trunk Railway, *re* branch line, London, Ont. Question of jurisdiction	Dismissed.
C 1680	Essex Terminal and Windsor, Essex and Lake Shore Railroad, crossing in Township of Sandwich, Ont. Question of law	Dismissed.
1497	T. D. Robinson *vs.* Canadian Northern Railway spur at Winnipeg. Question of jurisdiction	Dismissed.
9527	Montreal Street Railway *re* rates Montreal Royal Ward. Question of jurisdiction	Allowed.
C 4719	Department of Agriculture, province of Ontario *vs.* Grand Trunk Railway, station at Vineland. Question of jurisdiction	Dismissed.
C 3322	*Re* Toronto Viaduct. Appeal by the Canadian Pacific Railway Company. Question of law	Dismissed.
C 4897	*Re* fencing and cattleguards, Order No. 7473, appeal by the Canadian Northern Railway Co., Question of jurisdiction	Allowed in part.
C 4492 C 3578	City of Toronto *vs.* Grand Trunk Railway and Canadian Pacific Railway Companies *re* commutation rates. Question of law	Referred back to Board.
C 2545	City of Ottawa and County of Carleton, *re* Richmond Road Viaduct. Question of jurisdiction	Dismissed.
13079	Grand Trunk Railway *vs.* Canadian Northern Ontario Railway. Spur in Township of Scarboro, Ont. Question of jurisdiction	Dismissed.
C 3269	Grand Trunk Railway *vs.* British American Oil Companies. Oil rates Question of law	Dismissed.
1519	Grand Trunk Pacific Railway *vs* City of Fort William, *re* location. Question of jurisdiction	Dismissed.
11965	Niagara, St. Catharines and Toronto Railway *vs.* Davy. Question of jurisdiction.	Allowed.
9527	Montreal Street Railway (Montreal, Park & Island Railway) *re* rates, Mount Royal Ward. Question of jurisdiction	Allowed.
1558	Clover Bar Coal Company, Limited, and Wm. Humberstone *vs.* Grand Trunk Pacific Railway Company and the Clover Bar, Sand and Gravel Company. Question of jurisdiction	Allowed.
12682	Regina Rates Case. Question of law	Dismissed.
17963	Grand Trunk Pacific Railway *vs.* A. E. Purcell of Saskatoon, Sask. Question of jurisdiction	Dismissed.
C 3269	Canadian Pacific Railway Company *vs.* British American Oil Companies. Question of jurisdiction	Dismissed.
15330 15330-1	Grand Trunk and Canadian Pacific Railway Companies *vs.* Canadian Oil Companies. Question of jurisdiction	Dismissed.
20062	British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway *vs.* city of Vancouver. Question of jurisdiction	Dismissed.
1487	E. B. Chambers and W. B. G. Phair *vs.* Canadian Pacific Railway Company. Question of jurisdiction	Allowed.

SESSIONAL PAPER No. 20c

LIST of cases appealed to the Supreme Court of Canada, etc.—*Concluded.*

File No.	Subject.	Decision;
18578	Canadian Northern Railway Company *vs* William A. Taylor. Question of jurisdiction	Dismissed.
19435	Grand Trunk Railway Company *vs*. City of Edmonton, Alta. Question of law	Dismissed.
14329·9	Montreal Tramway and Montreal, Park and Island Railway *vs* Lachine, Jacques Cartier and Maisonneuve Railway. Question of jurisdiction.	Allowed.
23009	City of Hamilton *vs* Toronto, Hamilton and Buffalo Railway. Question of jurisdiction	Allowed.
21428	Grand Trunk Railway *vs* Hepworth Silica Pressed Brick Co. Question of law	Dismissed.
12021·70 9437·153	Toronto Railway Company and City of Toronto and Canadian Pacific Railway Company. Questions of law and jurisdiction	Dismissed.
C 3935	City of Edmonton *vs*. Calgary and Edmonton Railway. Question of law	Dismissed.
16171	Ingersoll Telephone Company (and other independent Telephone Companies *vs*. Bell Telephone Company. Question of law	Dismissed.
27524	Grand Trunk Railway *vs*. H. Bourassa of Laprairie, Que., against Order 26387, July 26, 1917. Question of jurisdiction and of law	Withdrawn.
13622	Great Northern Telegraph Company, for opinion of the Court upon question of law involved in matter of General Order No. 162	Not prosecuted.
27840	Government of Manitoba and J. R. Ashdown Hardware Company of Winnipeg, *re* 15 per cent increase in freight rates. Question of jurisdiction	Not prosecuted.
26981	Canadian Pacific Railway *vs*. Department of Public Works, Ontario, *re* highway crossing in Tp. of Kirkpatrick, Ont. Question of law	Withdrawn.
11118	Esquimalt and Nanaimo Railway *re* rights of the city of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.	Pending.
28439	Municipality of Burnaby, B.C. *vs*. British Columbia Electric Railway, *re* commutation rates. Question of jurisdiction	Pending.
28950	City of Toronto *vs*. Toronto Terminals Railway, *re* pressure pipe under Bay, Scott and Yonge Streets, Toronto. Question of law	Pending.
C 3378	Application of Mr. Wagenest for a stated case for the Supreme Court of Canada in *re* the Brampton commutation rate case. Question of law.	Pending.
C 2987	Ottawa Electric Railway against Order of the Board disallowing proposed increase in passenger rates. Question of jurisdiction	Pending.

List of cases appealed to the Governor in Council, from February 1, 1904, to March 31, 1919.

File No.	Subject.	Decision.
499	Bay of Quinte Railway Crossing, Canadian Pacific Railway at Tweed, Ont	Dismissed.
1455	James Bay Railway *vs.* Grand Trunk Railway crossing near Beaverton, Ont	Dismissed.
1781	Grand Trunk Railway *vs.* city of Chatham, Ont., streets crossing	Dismissed.
12992	Maniwaki Branch of the Canadian Pacific Railway train service from Ottawa	Referred back.
2030	*Re* tariffs of certain Yukon Railways	Dismissed.
17716	Canadian Pacific Railway Longue Pointe spur through town of Maisonneuve, Que	Dismissed.
18787	South Hazelton Townsite *vs.* Grand Trunk Pacific Railway	Allowed.
3452·30	J. Y. Rochester *re* Cameron Bay *vs.* Grand Trunk Pacific Railway	Dismissed.
12912	Park Ave., Subway, Town of St. Louis, Que., *vs.* Canadian Pacific Railway	Dismissed.
17040	Lambton to Weston Spur and Canadian Pacific Railway Company	Not prosecuted.
C 3322	Toronto Viaduct Case	Dismissed.
12021·70	City of Toronto, *re* Toronto North Grade Separation	Dismissed.
16177	Canadian Pacific Railway *vs.* Mountain Lumber Manufacturers Association *re* lumber rates	Withdrawn.
19024	Charles Miller of Toronto *vs* Grand Trunk Pacific Railway, *re* station at Prince George, B.C	Dismissed.
17716·10	Canadian Pacific Railway *vs* Town of Maisonneuve, Que., *re* highway crossings	Dismissed.
22681·25	City of Montreal *vs.* Canadian Northern Railway, siding across Stadacona and Marlboro Streets, Montreal, Que	Not prosecuted.
21418	City of Prince George, B.C., *re* location of Grand Trunk Pacific Railway station between Oak and Ash Streets, Prince George	Dismissed.
21660	Canadian Northern Ontario Railway *vs* Township of Loghboro; Ont	Dismissed.
26169	Canadian Pacific and Canadian Northern Railway Companies *re* interswitching at Eastern Public Cattle Market, Montreal	Abandoned.
17040	Appeal of the Canadian Pacific Railway *re* Lambton to Weston spur (2nd Appeal)	Dismissed.
27693	City of Hamilton *vs.* Grand Trunk Railway *re* passenger service on Northern and Northwestern Branch between Hamilton and Burlington Beach and town of Burlington, Ont	Pending.
27840	Appeal of the Winnipeg Board of Trade against order of the Board authorizing a general increase in freight rates of 15 per cent	Dismissed.
28439·3	Town of St. Lambert, Que., against decision of Board dated July 10, 1918, increasing the rates of the Montreal and Southern Counties Railway	Dismissed.
28230	Notice of appeal by the city of Hamilton, Ont., against order of the Board No. 27843 and Order 27857 *re* Kinear Yard, Hamilton, Ont	Pending.

APPENDIX F.

List of General Orders and Circulars of the Board for the year ending March 31, 1919.

GENERAL ORDER No. 215-C.

In the matter of the application of the Oshawa Railway Company for approval of its Standard Freight Tariffs of Maximum Mileage Tolls.

File No. 27840.21

The said standard freight tariff having been filed on the basis permitted by the Board in its General Order No. 213, dated December 26, 1917—

It is ordered: That the Standard Freight Mileage Tariff of the Oshawa Railway Company, C.R.C. No. 15, dated to become effective April 15, 1918, be, and the same is hereby, approved; the said tariff, with a reference to this order, to be published in at least two consecutive weekly issues of the *Canada Gazette*.

H. L. DRAYTON,
Chief Commissioner.

Ottawa, April 2, 1918.

GENERAL ORDER No. 225.

In the matter of the application of the Canadian Freight Association, on behalf of all railway companies subject to the legislative authority of the Parliament of Canada, under section 340 of the Railway Act, and such other sections as may be applicable thereto, for an order approving the form of bill of lading issued by the Government of the United States of America, for use in respect of all shipments of munitions, war materials, and supplies by or on behalf of the said Government, or any of its contractors; and providing that, notwithstanding the provisions of the General Order of the Board No. 41, dated July 15, 1909, the form herein referred to may be used by all such railway companies in respect of such shipments.

File No. 3678.40.

Upon reading what is filed in support of the application, and its appearing that the said bill of lading is made subject to the conditions of the bill of lading approved by the said General Order No. 41, dated July 15, 1909—

It is ordered: That the form of Bill of Lading issued by the Government of the United States of America, for use in respect of all shipments of munitions, war materials, and supplies by or on behalf of the said Government, or any of its contractors, copies of which are on file with the Board under file No. 3678.40, be, and it is hereby, approved, and that, notwithstanding the provisions of the said General Order No. 41, dated the 15th day of July, 1909, the form herein approved may be used by all such railway companies in respect of the said shipments of munitions, war materials, and supplies.

H. L. DRAYTON,
Chief Commissioner.

Ottawa, April 3, 1918.

GENERAL ORDER No. 226.

In the matter of the General Order of the Board No. 199, dated July 24, 1917, requiring every railway company subject to the legislative authority of the Parliament of Canada to equip its locomotives used in road service, between sunset and sunrise, with headlights which will enable persons with normal vision in the cab of a locomotive, under normal weather conditions, to see a dark object the size of a man for a distance of 1,000 feet or more ahead of the locomotive, such headlight to be maintained in good condition.

File No. 6511.

Upon reading the submissions filed, and the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That the said General Order No. 199, dated July 24, 1917, be, and it is hereby, amended by striking out the figures "1,000" in the seventh line of paragraph 1 of the Order and substituting therefor the figures "800."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, April 4, 1918.

GENERAL ORDER No. 227.

In the matter of "The Daylight Saving Act, 1918."

File No. 27921.

Whereas the said Act provides, among other things, that the Board shall have power to advance by one hour the standard time used by railway companies, including Government railways, in Canada for such period as may be prescribed by the Board, and to make such orders as may be necessary for the convenient carrying out of the provisions of the Act, in so far as railway companies may be affected thereby:

And whereas the Governor in Council, by Order in Council No. P.C. 898, dated April 12, 1918, prescribed that the said Act should come into force at two o'clock Sunday morning, April 14, 1918, and remain in force until two o'clock Friday morning, the 31st day of October, 1918;

In pursuance of the powers conferred upon the Board under the said Act, and to obviate confusion with the public which might otherwise result—

It is ordered: That all railway companies, including Government railways, in Canada be, and they are hereby, directed and required to advance by one hour the standard time now observed and used by them in the different zones in which they operate; the said change to become effective on the respective railways and in the said different zones not before twelve o'clock Saturday evening, April 13, and not later than two o'clock Sunday morning, April 14, 1918, and to remain in force and effect until two o'clock on Friday morning, the 31st day of October, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, April 12, 1918.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 228.

In the matter of "The Daylight Saving Act, 1918," and the General Order of the Board No. 227, dated April 12, 1918.

File No. 27921.

It is ordered that the word "Thursday" be substituted for the word "Friday" where the latter occurs in the recital and operative parts of the order.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, April 16, 1918.

GENERAL ORDER No. 229.

In the matter of General Order No. 128 dated July 20, 1914, and the application of The Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern Railway Companies for an extension of time of eighteen months within which to equip their freight cars with safety appliances as required under the said General Order No. 128.

File No. 11654.

Upon hearing the applications at the sittings of the Board held in Ottawa, May 7, 1918, in the presence of counsel for the railway companies and representatives of the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, and what was alleged:—

It is ordered: That the railway companies subject to the jurisdiction of the Board, be, and they are hereby, granted an extension of time until the 30th day of September, 1919, within which to make the changes required under the said General Order No. 128, dated April 20, 1914; the railway companies to continue their present practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said Order.

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, May 9, 1918.

GENERAL ORDER No. 230.

In the matter of the Interswitching of Freight Traffic.

File No. 6713. Case No. 2846.

Under the authority conferred upon it by the Railway Act, the Board hereby rescinds its order No. 4988 (General Order No. 11), dated the 8th day of July, 1908, and doth order and declare as follows:—

1. For the interpreation, application, and operation of this order,—

(a) "Interswitching" means the movement of freight in cars between the unloading or loading tracks of one carrier, hereinafter called the "terminal carrier," and the point of interchange with another carrier by whom, singly or jointly with a further carrier, the said traffic has been carried from its point of shipment or is to be carried to its destination, hereinafter called, singly or jointly,

the "line carrier," both the terminal carrier and the line carrier which interchanges with the terminal carrier being subject to the jurisdiction of the Board; the said movement being performed with or without the aid of an intermediate carrier whether subject or not subject to the jurisdiction of the Board, hereinafter called the "intermediary."

(b) The "interchange" means the junction between the terminal carrier and the line carrier, or between the terminal carrier and the intermediary, nearest to the point of loading or unloading of the car.

2. This order does not apply,—

(a) To tracks used by the terminal carrier for the transfer of freight between cars and its freight warehouse, or for the purpose of transhipment from car to car not to tracks otherwise set apart for its own working purposes, except team tracks;

(b) To joint movements which both begin and end in the same terminal or group of terminals or adjoining switching districts;

(*c*) To cars which, having been once properly interswitched for unloading, are recognized for unloading elsewhere within the same terminal or group of terminals.

3. Subject to the provisions of section 14, carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their own traffic at all points where interswitching facilities are, or may hereafter be, provided under the circumstances and at the tolls herein prescribed:

Provided that no terminal carrier or intermediary shall be obliged hereunder to make any movement exceeding the distances herein specified at the tolls herein prescribed, and that the said distances be irrespective of the location of the interchange and of yard limits or boundaries.

4. The toll of an intermediary subject to the jurisdiction of the Board shall not exceed, irrespective of weight, three dollars per car for any distance within and including three miles, or three dollars and fifty cents per car for any distance exceeding three miles to and including four miles.

5. If the traffic is loaded or unloaded upon private sidings connecting with the railway of the terminal carrier, or directly from or into an industry, elevator or yard abutting upon its tracks (commonly known as industrial sidings), or in any public stock yard, the toll of the terminal carrier shall not exceed one cent per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carriers tariff, for any distance within and including four miles from the interchange; except that the terminal carrier shall be entitled to a minimum charge of three dollars per car load of traffic included in the seventh, eighth and tenth classes of the Canadian Freight Classification, and five dollars per carload of all other traffic.

6. The toll of the terminal carrier upon all traffic other than that referred to in section 5, including traffic to or from team tracks, shall not exceed two cents per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carrier's tariff, for any distance within and including four miles from the interchange; except that the terminal carrier shall be entitled to a minimum charge of six dollars per car.

7. Not less than the following proportions of the tolls herein prescribed shall be absorbed in the rate of the line carrier and the remainder shall be an addition thereto:—

(*a*) One-half of the tolls charged by the terminal carrier under section 5 as qualified by section 9.

(*b*) Of the tolls prescribed in section 6 one-half of the tolls permitted under section 5, as qualified by section 9, as if the movement were to or from private sidings.

(*c*) One-half of the herein prescribed or lower tolls of each intermediary, if any, whether subject or not subject to the jurisdiction of the Board.

Provided that the line carrier may, unless its tariff rate is lower, charge and collect twelve dollars per car for its haul between the interchange and the point of shipment or destination when by reason of such absorption its line charges would otherwise be less than that amount.

8. The appropriate tolls hereinbefore prescribed shall not be exceeded for the distances herein specified, in each direction for the movement from and the return to the line carrier of so-called off-line transit traffic, and the line carrier shall be subject to the absorption provisions of section 7 only when its through rates are the sum of its published rates to and from the stop-over point.

9. If an extra car, commonly known as an idler, is used solely to take care of an overhang of long articles loaded on an open car, it shall be charged by the terminal carrier not more than two-thirds of the herein prescribed appropriate toll for the minimum weight of the line carrier's tariff, except that the terminal carrier shall be entitled to a minimum charge of three dollars per car. If interposed between two cars in the same shipment to protect an overhang from each the idler shall be charged for once only.

10. No charge shall be made for the accessory interswitching of the empty car. If the car is loaded in both directions the interswitching toll shall be charged for each movement.

11. Subject to the provisions of section 14, nothing herein contained shall prevent the line carrier from absorbing the entire toll or tolls charged for interswitching competitive traffic, provided that the traffic and movements so treated are clearly defined in its tariffs.

12. Traffic to or from the United States shall be subject to the provisions of this order at the point of shipment or destination in Canada.

13. If an exceptional rate is published to apply to or from the tracks of the carrier line only, the ordinary rate which includes the right of interswitching shall be plainly indicated in the same schedule, and the latter rate shall not exceed the former by more than the appropriate toll herein prescribed for the interswitching service.

14. Except as hereinafter provided, the tolls herein prescribed shall not apply to deprive the initial carrier of the line haul by a reasonable route of traffic loaded or to be loaded on its railway, including sidings connecting therewith, provided it furnishes at the destination, itself or through its connections or by interswitching, the same delivery and facilities as the competing carrier at no greater charge.

If a car is expressly ordered by the shipper to be interswitched to another railway, notwithstanding that the initial carrier can furnish the services as above provided, the said initial carrier may, in lieu of the tolls otherwise prescribed herein, charge and collect its ordinary published tariff rate to the interchange, which rate shall be an additional charge against the shipment.

Provided however, that if the said initial carrier fail or neglect to furnish the shipper with a car within forty-eight hours after it has been requested, or should through movement by the route of the initial carrier be embargoed, the shipper may require the initial carrier to accept and place, and the said carrier shall so accept and place, an empty car of any other carrier, in which case the movement of the empty car in and the loaded car out shall be effected under the provisions of sections 10 and 5 or 6, as the case may be.

The schedule to give effect to this order shall be published and filed to come into force on the first day of July, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 17, 1918.

GENERAL ORDER No. 231.

In the matter of section 246 of the Railway Act, as amended by chapter 37 of the Acts 7-8 George V. section 4, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board.

Case No. 4704.

Upon the report and recommendation of the Electrical Engineer of the Board,—
It is ordered:

1. That the conditions and specifications set forth in the schedule hereto annexed, under the heading, "Rules for wires erected along or across railways," be, and the same are hereby, adopted and confirmed as the conditions and specifications applicable to the erection, placing, or maintaining of electric lines, wires, or cables along or across all railways subject to the jurisdiction of the Board, part 1 being applicable where the line or lines, wire or wires, cable or cables, is or are carried along or over the railway; part 2 being applicable where the line or lines, wire or wires, cable or cables, is or are carried under the railway.

2. That any order of the Board granting leave to erect, place or maintain any line or lines, wire or wires, cable or cables, along or across the railway and referring to "Rules for wires erected along or across railways," shall be deemed as intended to be a reference to the conditions and specifications set out in that part of the said schedule which is applicable to the mode of crossing authorized.

3. That any order of the Board granting leave to erect, place, or maintain any line or lines, wire or wires, cable or cables, along or across any railway subject to the jurisdiction of the Board, shall, unless otherwise expressed, be deemed to be an order for leave to erect, place and maintain the same according to the conditions and specifications set out in that part of the said schedule applicable thereto, which conditions and specifications shall be considered as embodied in any such order without specific reference thereto, subject, however, to such change or variation therein or thereof as shall be expressed in such order.

4. That the general order of the Board No. 113, dated November 5, 1913, approving of "Rules for wires crossing railways," and the conditions and specifications adopted thereby, be, and the same is hereby, rescinded.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 6, 1918.

SCHEDULE.

Notice to Applicants.

When the interested company's consent cannot be procured and an application to the Board becomes necessary, send to the secretary of the Board (postage free) with the application, three copies of a sketch or drawing about 8 by 10 inches showing:—

(*a*) The location of the poles or towers, or the location of the underground conduit in relation to the track; the dimensions of the poles or towers; and the material or materials of which they are made.

(*b*) The proposed number of wires, or cables, the distance between them and the track, and the method of attaching the conductors to the insulators.

(*c*) The location of all other wires adjacent or to be crossed, and their supports.

(*d*) The maximum potential, in volts, between wires, the potential between wires and the ground, and the maximum current, in amperes, to be transmitted.

(*e*) The kinds and sizes of the wires or conductors in question.

(*f*) On circuits of 10,000 volts, or over, the method of protecting the conductors from arcs at the insulators.

(*g*) The number of insulators supporting the conductors. (See also "J" in specifications).

N.B. Place a distinguishing name, number, date and signature upon the drawing. Mark the exact location of the lines or wires upon the drawing, by stating the distance in miles from the nearest railway station—N., E., S. or W.—so that this point can readily be identified.

Standard Conditions and Specifications for Wire Crossings.

part 1.—over-crossings.

Conditions.

1. The applicant shall, at its or his own expense, erect and place the lines, wires, cables, or conductors authorized to be placed along or across the said railway, and shall at all times, at its own expense, maintain the same in good order and condition and at the height shown on the drawing, and in accordance with the specifications hereinafter set forth, so that at no time shall any damage be caused to the company owning, operating or using the said railway, or to any person lawfully upon or using the same, and shall use all necessary and proper care and means to prevent any such lines, wires, cables, or conductors from sagging below the said height.

2. The applicant shall at all times wholly indemnify the company owning, operating, or using the said railway, of, from, and against all loss, cost, damage and expense to which the said railway company may be put by reason of any damage or injury to persons or property caused by any of the said wires or cables or any works or appliances herein provided for not being erected in all respects in compliance with the terms and provisions of this order, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the applicant.

3. No work shall at any time be done under the authority of this order in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains or traffic of the said railway.

4. Where, in affecting any such line or wire construction, it is necessary to erect poles between the tracks of the railway, the applicant, before any work is begun, shall give the railway company owning, operating or using the said railway at least seventy-two hours' prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed three dollars per day, shall be paid by the applicant. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

4. (a) It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company as above provided in regard to necessary work to be done in connection with the repair or maintenance of the lines or wires when such work becomes necessary through an unforeseen emergency.

5. Where the wires or cables are to be erected at the railway and carried above, below, or parallel with existing wires, either within the span or spans to be constructed

at the railway or within the spans next thereto on either side, such additional precautions shall be taken by the applicant as the Engineer of the Board shall consider necessary.

6. Nothing in these conditions shall prejudice or detract from the right of the company owning, operating, or using the railway to adopt at any time the use of the electric or other motive power, and to place and maintain along, over, upon, or under its right of way, such poles, lines, wires, cables, pipes, conduits, and other fixtures and appliances as may be necessary or proper for such purpose. Liability for the cost of any removal, change in location or construction of the poles, lines, wires, cables, or other fixtures or appliances erected by the applicant along, over or under the tracks of the said railway company, rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the Board on the application of any party interested.

7. Any disputes, arising between the applicant and the said railway company as to the manner in which the said wires or cables are to be erected, placed or maintained, used or repaired, shall be referred to the engineer of the Board, whose decision shall be final.

8. The wires or cables of the applicant shall be erected, placed and maintained in accordance with the drawing approved by the Board and the specifications following. If the drawing and specifications differ the latter shall govern unless a specific statement to the contrary appears in the Order of the Board.

9. In every case in which the line of a railway company shall be constructed along or under the wires or cables of a telegraph or telephone company, the construction of the telegraph or telephone company shall be made to conform to the foregoing specifications, and any changes necessary to make it so conform shall be made by the telegraph or telephone company at the cost and expense of the railway company.

Overhead Lines.—Specifications.

A. *Labelling of poles.*—Poles, towers, or other wire-supporting structures on each side of and adjacent to railway crossings, to be equipped with durable labels showing (*a*) the name of the company or individual owning or maintaining them, and (*b*) the maximum voltage between conductors; the characters upon the labels to be easily distinguished from the ground.

B. *Separate lines.*—Two or more separate lines for the transmission of electrical energy shall not be erected or maintained in the same vertical plane. The word "lines," as here used, to mean the combination of conductors and the latter's supporting poles, or towers and fittings.

C. *Location of poles, etc.*—Poles, towers, or other wire-supporting structures to be located generally a distance from the rail not less than equal to the length of the poles of structures used. Poles, towers, or other wire-supporting structures must under no consideration be placed less than 12 feet from the rail of a main line, or less than 6 feet from the rail of a siding. At loading sidings sufficient space to be left for driveway..

D. *Setting and strength of poles.*—Poles less than 50 feet in length to be set not less than 6 feet and poles over 50 feet not less than 7 feet in solid ground. Poles with side strains to be reinforced with braces and guy wires. Poles to be at least 7 inches in diameter at the top—mountain cedar poles to be at least 8 inches at the top. In soft ground poles must be set so as to obtain the same amount of rigidity as would be obtained by the above specifications for setting poles in solid ground. When the line is located in a section of the country where grass or other fires might burn them, wooden poles to be covered with a layer of some satisfactory fire-resisting material, such as

concrete at least two inches thick, extending from the butt of the pole for a distance of at least 5 feet above the level of the ground. Wooden structures to have a safety factor of five.

E. *Setting and strength of other structures.*—Towers or other structures to be firmly set upon stone, metal, concrete or pile footings or foundations. Metal and concrete structures to have a safety factor of four.

F. *Length of span.*—Span must be as short as possible consistent with the rules of setting and locating of poles and towers.

G. *Fittings of wooden poles for telegraph, telephone, or similar low tension lines.*—The poles at each side of a railway must be fitted with double cross-arm, dimensions not less than 3 inches by 4 inches, each equipped with $1\frac{1}{4}$-inch hardwood pins, nailed in arms, or some stronger support and with suitable insulators; cross arms to be securely fastened to the pole in a gain by not less than a $\frac{5}{8}$-inch bolt through the pole; arms carrying more than two wires or carrying cable must be braced by two stiff iron or substantial wood braces fastened to the arms by $\frac{3}{8}$-inch or larger bolts, and to the pole by a $\frac{3}{8}$-inch or larger bolt.

H. *Fitting of all poles, towers, or other structures.*—All wire-supporting structures to be equipped with fittings satisfactory to the Engineer of the Board.

I. *Guards.*—Where cross-arms are used, an iron hook guard to be placed on the ends of and securely bolted to each. The hooks shall be placed as to engage the wire in the event of the latters detachment from the insulators.

J. *Insulators.*—All wires or conductors for the transmission of electrical energy along or across a railway to be supported by and securely attached to suitable insulators.

Wires or conductors in 10,000-volt (or higher) circuits, to be suported by insulators capable of withstanding tests of two and one-half times the maximum voltage to be employed under operating conditions. An affidavit describing the tests to which the insulators have been subjected and the apparatus employed in the tests shall be supplied by the applicant. The tests upon which reports are required are as follows:—

J*a*. *Puncture or rupture test.*—The insulators having been immersed in water for a period of seven days, immediately preceding and ending at the time of the test, to be subject for a period of five minutes to a potential of two and one-half (2·5) times the maximum potential of the line upon which they are to be installed.

J*b*. *Flash-over test.*—State the potentials that were employed to cause arcing or flashing across the surface of the insulator between the conductor and the insulator's point of support when the surface was (1) dry, and (2) wet.

K. *Height of wires (a) Low tension conductors.*—The lowest conductor must not be less than 25 feet from top of rail for spans up to 145 feet; $2\frac{1}{2}$ feet additional clearance of rails or other wires must be given for every 20 feet or fraction thereof additional length of span. The words "low tension," as here used, to mean conductors for telegraph, telephone, and kindred signal work, as well as conductors connected with grounded secondary circuits of transformers below 350 volts.

K*b*. All primary conductors, undergrounded secondaries and railway feeders to be maintained at least 30 feet above the top of rail—except where special provisions are made for trolley wires.

K*c*. High tension conductors, those between which a potential of 10,000 volts or over is employed, to be maintained at least 35 feet above the top of rail.

L. *Clearance.*—Safe clearances between all conductors to be maintained at all times. The following distance to be provided wherever possible; at least 3 feet clearance from low tension wires; at least 5 feet between low tension wires, primaries, undergrounded secondaries, and railway feeders employing less than 10,000 volts; at least 10 feet between high tension wires and all other lines.

M. *Guy wires.*—Guy wires at railway crossings to be at least as strong as 7-strand No. 16 Stub's or New British standard gauge galvanized steel wire, and to be clearly indicated as guy wire on the drawing accompanying the application. One or more strain insulators to be placed in all guy wires; the lowest strain insulator to be not less than 8 feet above the ground.

Na. Wires and other conductors.—Where open telephone, telegraph, signal or kindred low-tension wires are strung across a railway this stretch to consist of copper wire, or copper-clad steel wire, not less than No. 13 New British standard gauge ·092-inch in diameter. Wire is to be securely tied to insulars by a tiewire not less than 20 inches in length and of the same diameter as the line wire.

Nb. Where No. 9 B.W.G., or larger, galvanized iron or steel wire is employed in a circuit, and where there is no danger of deterioration from smoke or other gases, the use of this wire may be continued at the crossing.

Nc. Where a number of rubber-covered wires are strung across a railway they may be made up into a cable by being twisted on each other or otherwise held together and the whole securely fastened to the poles.

Nd. Wires or other conductors for the transmission of electrical energy for purposes other than telegraph, telephone, or kindred low-tension signal work, to be composed of at least seven strands of material having a combined tensile strength equivalent to or greater than No. 4 Brown & Sharp gauge hard-drawn copper wire. These conductors to be maintained above low-tension wires at the crossing, to be free from joints or splices, and to extend at least one full span of line beyond the poles or towers at each side of the railway.

Ne. Wires or other conductors subject to potentials of 10,000 volts or over to be reinforced by clamps, servings, wrappings, or other protection at the insulators to the satisfaction of the Engineer of the Board.

Nf. Conductors for other than low tension work to have a factor of safety of two when covered with ice or sleet to a depth of 1 inch and subjected to a wind pressure of 8 pounds per square foot on the ice-covered diameter.

Ng. All conductors to be dead ended or so fastened to their supporting insulators at each side of the crossing that they cannot slip through their fastenings.

O. *Positions of wires.*—Wires or conductors of low potential to be erected and maintained below those of higher potential which may be attached to the same poles or towers.

P. *Trolley wires.*—Trolley wires at railway crossings to be provided with a trolley guard so arranged as to keep the trolley wheel or other rolling, sliding or scraping device in electrical contact. The trolley wire, trolley guard and their supports to be maintained at least 22 feet 6 inches above the top of the rails.

Q. *Cable.*—Cable to be carried on a suspension wire at least equivalent to seven strands of No. 13 Stub's or New British standard gauge galvanized steel wire. When cross-arms are used, suspension wires to be attached to a $\frac{3}{4}$-inch iron or stronger hook, or when fastened to poles to a malleable iron or stronger messenger hanger

bolted through the poles, the cable to be attached to the suspension wire by cable clips not more than 20 inches apart. Rubber insulated cables of less than ¾-inch in diameter may be carried on a suspension wire of not less than seven strands of No. 16 Stub's or New British standard gauge galvanized steel wire. The word "cable" as here used to mean a number of insulated conductors bound together.

PART II.—UNDERGROUND LINES.

Conditions.

1. The line or lines, wire or wires, shall be carried along or across the railway in accordance with the approved drawing, and a pipe or pipes, conduit or conduits, cable or cables shall, for the whole width of the right of way adjoining the highway, be laid at the depth called for by, and shall be constructed and maintained in accordance with the specifications hereinafter set forth.

2. All work in connection with the laying and maintaining of each pipe, conduit or cable and the continued supervision of the same shall be performed by, and all costs and expenses thereby incurred be borne and paid by the applicant; but no work shall at any time be done in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains, traffic or other work on the said railway.

3. The applicant shall at all times maintain each pipe, conduit or cable in good order and condition, so that at no time shall any damage be caused to the property of the railway company or any of its tracks be obstructed, or the usefulness or safety of the same for railway purposes be impaired, or the full use and enjoyment thereof by the said railway company be in any way interfered with.

4. Before any work of laying, removing, or repairing any pipe, conduit or cable is begun, the applicant shall give to the railway company at least seventy-two hours' prior notice thereof, in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe or conduit and works contemplated in connection therewith, and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies, in all respects, with the terms and conditions of this order, and whose wages, at a rate not exceeding $3 per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction the wages of the inspector shall be paid by the railway company.

4a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company, as above provided, in regard to necessary work to be done in connection with the repair or maintenance of the line when such work becomes necessary through an unforeseen emergency.

5. The applicant shall, at all times, wholly indemnify the company owning, operating, or using the said railway of, from and against all loss, costs, damage and expense to which the said railway company may be put by reason of any damage or injury to person or property caused by any pipe, conduit, or cable, any works or appliances herein, or in the order authorizing the work provided for, not being laid and constructed in all respects in compliance with the terms and provisions of these conditions, or if, when so constructed and laid, not being at all times maintained and kept in good order and condition and in accordance with the terms and provisions of said order, for any order or orders of the Board in relation thereto, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of any of the employees or agents of the applicant.

6. Nothing in these conditions shall prejudice or detract from the right of any company owning or operating or using the said railway to adopt, at any time, the use of the electric or other motive power, and to place and maintain upon, over, and under the said right of way such poles, wires, pipes and other fixtures and appliance as may

be necessary or proper for such purposes. Liability of the cost of any removal, change in location or construction of the pipes, conduits, wires, or cables constructed or laid by the applicant rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the Board on the application of the party interested.

7. Any dispute arising between the applicant and the company owning, using or operating said railway as to the manner in which any pipe or conduit, or any works or appliances herein provided for, are being laid, maintained, renewed, or repaired, shall be referred to the Engineer of the Board, whose decision shall be final and binding on all parties.

Underground Lines.—Specifications.

AA. *Conduit.*—Vitrified clay, creosoted wood, metal pipe, armoured cable or fibre conduit may be used.

BB. *Depth.*—The excavation to be of sufficient depth to allow the top of the duct to be at least three feet below the bottom of the ties of railway track.

CC. *Laying.*—The conduit or duct to be laid on a base of 3 inches of concrete, mixed in proportion, 1 of cement, 3 of sand and 5 of broken stone or gravel. Where stone is used, such stone is to be of a size that will permit of its passing through a 1-inch ring. After ducts are laid, the whole to be encased to a thickness of 3 inches on top and sides in concrete mixed in the same proportion as above.

Where the track is on an embankment a pipe may be driven through the latter.

DD. *Filling in.*—The excavation must be filled in carefully and well tamped on top and side.

EE. *Guard.*—The excavation must at all times be safely protected by the applicant.

GENERAL ORDER No. 232.

In the matter of the application of the Canadian Manufacturers' Association for an Order disallowing the increased carload minimum weights of tan bark, published in Supplement No. 8 to the Canadian Pacific Railway Company's Tariff C.P.C. No. E—3225, and Supplement No. 1 to the Grand Trunk Railway Company's Tariff C.R.C. No. E—3477.

File No. 19475·41.

Upon hearing the application at the sittings of the Board held in Ottawa, November 20, 1917, the Canadian Manufacturers' Association, the Canadian Freight Association, and the Grand Trunk, Canadian Pacific, and the Canadian Northern Railway Companies being represented at the hearing, and what was alleged; and upon reading the further submissions filed,—

It is ordered: That the minimum carload weights of tan bark, when carried in box or stock cars under special commodity tariffs, be as follows, namely:—

For cars not over 30 feet 6 inches in length, inside measurement, 21,000 pounds.

For cars over 30 feet 6 inches and not over 34 feet 6 inches in length, inside measurement, 23,000 pounds.

For cars over 34 feet 6 inches and not over 36 feet 6 inches in length, inside measurement, 28,000 pounds.

And it is further ordered that the General Order of the Board No. 221 made herein be, and it is hereby rescinded.

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, May 14, 1919.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 233.

In the matter of the General Order of the Board No. 227, dated April 12, 1918, as amended by General Order No. 228, dated April 16, 1918, directing and requiring all Railway Companies including Government Railways in Canada to advance by one hour the standard time now observed and used by them in the different zones in which they operate; the said change to become effective on the respective railways and in the said different zones not before twelve o'clock Saturday evening, April 13, and not later than two o'clock Sunday morning April 14, 1918, and to remain in force and effect until two o'clock on Thursday morning, the 31st day of October, 1918.

File No.27921.

Whereas the Governor in Council by Order in Council dated May 7, 1918, has amended the Order in Council, P.C. 898, dated April 12, 1918, so that the prescribed time during which the Daylight Saving Act, 1918, shall be in force shall be until two o'clock on the morning of Sunday, the 27th day of October, 1918, the day fixed in the United States for returning to the usual time,—

It is ordered: That the said General Order No. 227 dated April 12, 1918, be and it is hereby amended to provide that the prescribed time during which the Daylight Saving Act, 1918, shall be in force shall be until two o'clock, on the morning of Sunday the 27th day of October, 1918, the day fixed in the United States for returning to the usual time as hereinabove recited.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 11, 1918.

GENERAL ORDER No. 234.

In the matter of the applications of the United Grain Growers, Limited, the Northwestern Grain Dealers' Association, the Campbell Flour Mills Company, Limited, the Quaker Oats Company, the Cambridge Roller Mills, the Northern Grain Company, et al, for a ruling of the Board in the matter of protection of the old rates on grain shipped prior to March 15th, 1918, to interior mills and elevators with published transit privileges and reshipped after the new rates came into effect;

And in the matter of the General Order of the Board No. 212, dated the 15th day of January, 1918, and Orders-in-Council pertaining thereto.

File No. 8641-3.

Upon reading the applications and what was alleged in support thereof and the written argument filed by counsel for the Canadian Pacific Railway Company in reply—

It is ordered as follows with respect to carriers whose tariffs provide for the milling, malting, storage or cleaning of western grain in transit:—

1. That with respect to all grain originally shipped prior to March 15, 1918, the said grain or the product thereof reshipped within six months from the stop-over point shall be entitled to the balance of the through rate existing at the time of the original shipment of the grain under the transit tariffs applicable.

2. That with respect to all wheat originally shipped on and after the 15th day of March, 1918, the said wheat or the product thereof reshipped from the stop-over point

west of Fort William before the 1st day of June, 1918, to destinations west of and including Port Arthur and Armstrong, shall be entitled to the balance of the through rate to the said destinations existing at the time of the original shipment of the wheat under the transit tariffs applicable.

3. That with respect to all grain other than wheat as referred to in section 3 hereof, originally shipped on and after the 15th day of March, 1918, under the transit tariffs applicable thereto, which or the product whereof is reshipped from the stop-over point within six months, the rate to be applied on the said reshipped grain or product may be the balance of the through rate existing from the original point of shipment of the grain to the final destination thereof or of the products at the time of the reshipment from the stop-over point.

4. That the charge for the terminal service at the stop-over point, also the charge for the haul, if any, out of the direct line of transit, in accordance with the tariffs applicable, shall be additional in each case.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 22, 1918.

GENERAL ORDER No. 235.

In the matter of the complaint of the Ontario Associated Boards of Trade complaining of insufficient and inadequate facilities furnished by Railway Companies for the receiving and delivering of freight at flag stations.

File No. 2338-4.

Upon hearing the complaint at the sittings of the Board held in Hamilton, October 22, 1917, in the presence of counsel and representatives for the complainants, the Grand Trunk, the Canadian Pacific and the Canadian Northern Railway Companies and the Michigan Central Railroad Company, the evidence offered and what was alleged, and reading the written submissions filed on behalf of the interests affected—

It is ordered, That every railway company subject to the jurisdiction of the Board, be, and it is hereby directed to provide its agents with rubber stamps reading as follows:—

Unloaded without exception
Except as noted
.....
Conductor.
Date.....

and to issue a bulletin

(*a*) requiring agents issuing way-bills for shipments of less than carload freight destined to flag station to place the above stamp thereon;
(*b*) requiring conductors in charge to unload such freight on the platform at the flag station after the train has been brought to a full stop, and wherever shelters have been provided, to place such freight therein, and to certify, as above, on the way-bill;
(*c*) requiring conductors who have unloaded freight at flag stations to deliver the way-bill therefor at the first agency station reached by the train after the unloading of such freight;
(*d*) notifying such conductors that they will be held responsible for the proper carrying out of the requirements set forth in this Order and as covered by the said bulletin;

(*e*) requiring the agent at the first agency station reached by the train after the unloading of the freight, as in this Order provided, to notify the consignee of the arrival of such freight by postal notice mailed within 24 hours after receiving the way-bill from the conductor.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 22, 1918.

GENERAL ORDER No. 236.

In the mater of the application of the Trainmen's Association of Canada, for the Revision of Order No. 5888 dated December 16, 1908, making provision for the protection of railway employees.

File No. 1750.

Upon hearing this application, and upon the reports of the Chief Operating Officer and the Chief Engineer of the Board,—
It is ordered as follows:—

1. Whereas subsection 3 of section 264 of the Railway Act provides that—

> "There shall also be such a number of cars in every train equipped with power or train brakes that the engineer of the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for the purpose."

Therefore, at least eighty-five per cent (85%) of the number of cars in every train shall be equipped as above required.

2. When more than one engine is attached to a train, the engineer of the leading engine shall operate the brakes.

3. No light engine, nor two or more light engines coupled, when the movement is either on a single track or against the current of traffic on a double track, shall be run at a greater distance than twenty-five miles in any one direction without a conductor appointed for service as such and possessed of the qualifications set out in paragraph (*b*) of section 5 of this order.

4. No railway company shall permit any employee to engage in the operation of trains, or handle train orders, without first requiring such employee to pass an examination on train rules and undergo a satisfactory eye and ear test by a competent examiner.

5. (*a*) Locomotive engineers must be at least twenty-one years of age; undergo a satisfactory eye and ear test by a competent examiner, and pass an examination on train rules and regulations and the proper care and operation of locomotives and air brakes.

(*b*) Conductors must be at least twenty-one years of age; undergo a satisfactory eye and ear test, and pass an examination on train rules and regulations and the operation of air brakes.

(*c*) Telegraph or telephone operators engaging in the operation of trains or handling train orders must be at least eighteen years of age; write a legible hand, and pass an examination on train rules and regulations. Telegraph operators must be able to send and receive messages at the rate of not less than twenty words a minute.

(d) Train despatchers must be at least twenty-one years of age, be familiar with the line over which they have charge, and pass an examination on train rules and regulations.

(*e*) Railway companies shall (within ninety days from the date of this order) file with the Board a copy of each examination paper for the examinations herein required to be passed by the employees of such railway company.

6. All railway companies shall strictly conform to the rules and regulations from time to time approved by the Master Car Builders' Association, governing the loading of lumber, logs and stone upon open cars, and the loading and carrying of structural material, plates, rails and girders; and no material of any kind shall be carried on the roofs of cars.

7. (*a*) All open drains crossing tracks in railway yards shall be safely covered for at least five feet form the gauge side of each rail, except in times of flood, when temporary open drains may be provided if necessary.

(*b*) No semaphores, signals, poles, high or intermediate switchstands, or piles of material, erected or placed in future, shall be nearer than six feet from the gauge side of the nearest rail.

(*c*) No structure, except mail cranes, which shall be erected and maintained as directed by Order of the Board No. 5647, dated November 20, 1908, over four feet high shall hereafter be placed within six feet from the gauge side of the nearest rail without first obtaining the approval of the Board.

(*d*) Water stand-pipes shall not be nearer than two feet and six inches from the widest engine cab, and the spout of the stand-pipe shall, when not in use, be fastened parallel with main track, and enginemen are required to see that this is done after using any such pipe.

8. Every person or company offending against any of the foregoing provisions shall forfeit and pay the sum of fifty dollars ($50.00) for every such offence.

9. Orders Nos. 5888 and 12225 (General Orders Nos. 22 and 65), dated respectively December 16, 1908, and November 9, 1910, made herein are hereby rescinded.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 20, 1918.

GENERAL ORDER No. 237.

In the matter of Circular No. 165, dated April 19, 1918, with reference to accidents to railway employees where two main tracks parallel each other.

File No. 28433.

Upon reading the submissions filed on behalf of the Railway Companies, and upon the report and recommendation of the Chief Operating Officer of the Board:—

It is ordered: That all Railway Companies subject to the jurisdiction of the Board, be, and they are hereby, required to adopt the following rule for the protection of employees where two main line tracks parallel each other and are less than twenty feet from centre to centre, namely:—

> "Where two main tracks parallel each other and are less than twenty feet from centre to centre, whether such tracks are for double or single track operations, employees in every instance, when stepping out of the way of approaching trains, must move to the right of way and not to the other track".

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 31, 1919.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 238.

In the matter of the General Order of the Board No. 235, dated May 22, 1918, and the application by the Canadian Northern Railway Company to amend said order.

File No. 2338.4.

Upon reading what is filed in support of the application,—

It is ordered: That said General Order No. 235 be, and it is hereby, amended by striking out the words "to place such freight therein" after the word "provided" in the fourth line of paragraph (*b*) of the order and substituting therefor the words "to place therein all such freight as would be liable to damage from the weather or exposure."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 31, 1919.

GENERAL ORDER No. 239.

In the matter of the General Order of the Board No. 230, dated May 17 1918, in the matter of the interswitching of freight traffic.

Case No. 2846.

Upon reading what is filed on behalf of the Canadian Manufacturers' Association,—

It is ordered: That the effective date of the schedules to give effect to the said General Order No. 230 be, and it is hereby, postponed from the first day of July, 1918, to the first day of August, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 19, 1918.

GENERAL ORDER No. 240...

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for an order amending Clause 20 of the General Order of the Board No. 94, dated July 24, 1912, prescribing "uniform rules governing the determination of visual acuity, colour perception, and hearing of railway employees on steam railways" so as to read "minimum" instead of "maximum standard specified."

File No. 1750.17.

Upon hearing the application at the sittings of the Board held in Montreal, June 10, 1918, in the presence of counsel for the applicant company, the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen being represented at the hearing, and what was alleged,—

It is ordered: That the said General Order No. 94, dated July 24, 1912, be, and it is hereby, amended by striking out the words "maximum standard specified" in clause 20 of the rules thereunder approved and inserting in lieu thereof the words "the minimum standard of vision."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 21, 1918.

GENERAL ORDER No. 241.

In the matter of the westbound transcontinental freight rates, and the powers conferred upon the Board under Section 323 of the Railway Act.

File No. 28678.

Whereas the westbound transcontinental freight rates on specific commodities from eastern Canada to destinations in British Columbia, recognized as Pacific Coast terminals, have been in the past and are now lower than the regular scale of rates under the Canadian Freight Classification, and the said commodity rates were definitely related to the rates on the same or similar commodities shipped from the eastern states of the Union to Pacific Coast points, including those in British Columbia, until March 15, 1918, when the last-mentioned rates were increased without corresponding increases from eastern Canada;

And whereas the Director General of the United States Railroad Administration has ordered the United States carriers to increase the rates which were in effect from the eastern States immediately before June 25, 1918, by twenty-five per cent, effective from that date, and because of the competitive character of the traffic, it is expedient to continue at least the equilibrium existing before March 15, 1918,—

It is ordered: That the railway companies in Canada engaged in the said westbound transcontinental traffic be, and they are hereby, permitted to increase the present so-called commodity rates from eastern Canada so as to place them on at least an equality with the rates now in effect from the neighbouring states of the Union, and that the rates so increased be permitted to become effective not earlier than the first day of August, 1918, upon not less than five days' notice to the Board and to the shipping public by filing and posting in the manner prescribed in the Railway Act.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, July 29, 1918.

GENERAL ORDER No. 242.

In the matter of the application of the Dominion Bridge Company, Limited, of Montreal, Quebec, hereinafter called the "Applicant Company", for a ruling on the following question:

Should an idler car used to take care of an overhang from a car loaded with articles taking a commodity rate with a greater than classification minimum weight be charged two-thirds of the minimum weight of the commodity tariff or of the classification?

File No. 28483.

Upon hearing the application at the sittings of the Board held in Montreal, June 10, 1918, the applicant company, the Canadian Freight Association, and the Grand Trunk and Canadian Pacific Railway Companies being represented at the hearing, and what was alleged; and upon the report and recommendation of the Chief Traffic Officer of the Board—

It is ordered: That the authority be and it is hereby given for a change in Rule 1 (*c*) of the Canadian Freight Classification No. 16, so as to provide that the

minimum weight for the first car in a series of platform cars (the longest car in the series to be considered the first car) carrying articles too long for one such car be that provided for in the appropriate tariff covering such articles, and two-thirds of the said minimum for each additional car over which the load extends.

And it is declared that the lawful charge for each additional car, used as herein described prior to the effective date of the amendment herein authorized, was and is two-thirds of the minimum weight provided for in the Canadian Freight Classification for the articles so carried, unless specifically excepted from the provisions of the said Classification in the tariff applicable.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, June 28, 1918. . .

GENERAL ORDER No. 243.

In the matter of the General Order of the Board No. 230 dated May 17, 1918, in the matter of the interswitching of freight traffic, and General Order No. 239, dated June 19, 1918, postponing the effective date of the said General Order No. 230 until the first day of August, 1918.

Case No. 2846.

Upon reading what is filed by the Canadian Manufacturers' Association and upon its request for further postponement of the effective date of General Order No. 230, and upon reading the protests filed by the Winnipeg Board of Trade and by the Dominion Glass Company—

It is ordered: That the effective date of the said General Order No. 230, dated May 17, 1918, be, and it is hereby, further postponed until the 1st day of October, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, July 25, 1918.

GENERAL ORDER No. 244.

In the matter of Section 292 of the Railway Act as amended by Chapter 37 of 7-8 George V, Section 8, General Order No. 39, date July 8, 1909, Circular 110, dated April 3, 1913, and Supplements thereto numbers 1 and 2 dated respectively April 30, 1918, and June 6, 1918, Circular No. 131, dated March 11, 1914, and Circular No. 161, dated March 8, 1918.

File No. 45.

Upon the report of the Chief Operating Officer to the Board to the effect that railway companies are not fully complying with the requirements of the Act in reporting accidents to the Board, and pointing out the desirability of a uniform practice on the part of railway companies in making returns of accidents, and upon his recommendation,—

It is ordered: That every railway company subject to the legislative authority of the Parliament of Canada be, and it is hereby, required and directed within six days after the head officers of the company have received information of the occurrence upon the railway belonging to it of any accident, attended with personal injury to any person using the railway, or to any employee of the company, or whereby

any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board, such notice to be addressed to the Chief Operating Officer of the Board and to be made on hard paper in the forms "A" (relating to highway crossing accidents only) and "B" (relating to accidents other than those occurring at highway crossings), schedules to this order; such reports to be limited to accidents caused by transportation, that is to say where train movements are involved, and not to apply to accidents occurring in railway shops or other manufacturing establishments, the property of railway companies.

2. That in the case of derailments, collisions, and highway crossing accidents attended by personal injury, and in the case of any damage to any bridge, culvert, viaduct, or tunnel so as to render the same impassable or unfit for immediate use, the conductors or other employees of every such company shall, at the expense of the company and at the same time they report to the company, send to the Board addressed to its Chief Operating Officer a telegram containing the following information:—

(*a*) Date and place.
(*b*) Name of railway.
(*c*) Number and description of train or trains, engine or engines concerned.
(*d*) Number of passengers, employees or others killed, and injured.
(*e*) A short and concise statement of the apparent cause of the accident.
(*f*) Name and title of person sending report.

3. That where any such company grants or has granted running rights or the joint use of its line or any portion thereof to another company and the last-named company is concerned in an accident occurring on said joint section required under this order to be reported, both companies shall report to the Board as herein provided.

4. That every such railway company place before their conductors or other employees affected by the order a copy of paragraph (2) of this order directing said conductors or other employees to comply directly with the requirements of the provision.

5. That the said General Order No. 39, Circular 110 with Supplements Nos. 1 and 2, Circular No. 131, and Circular No. 161 be, and they are hereby, rescinded.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, July 26, 1918.

SCHEDULE "A."

.... 191..

.... Railway.

REPORT to the Board of Railway Commissioners for Canada, as required by Section 292 of the Railway Act and General Order of the Board No. 244.

1. Date and hour of accident..	
2. Train..	Conductor. Engine. Engineer.
3. Province..	
4. *Place of accident*.. .. .. State if in City, Town, Village, or Township.. .. .. If in City, Town, or Village, gave name of Street; if no name, say how many crossings from station specifying direction. If in Township, give distance in miles and fraction of mile from nearest station, specifying direction, also give distance of nearest mile post of Subdivison and any other information of an identifying character..	
5. (*a*) Particulars of accident.. .. .. (*b*) Name of persons injured or killed and addresses..	
6. Was crossing protected at time of accident and if so in what manner?..	
7. Time and date, speed limitation of ten miles an hour established or watchman put on as required by Sec. 275 (Sub-sec. 4) and General Order No. 77..	
8. If any previous accident at same place subsequent to 1900, give date, if more than one accident give date of last one only..	
9. Remarks covering any other information that the Company thinks should be submitted not covered by the foregoing details..	

I certify that from inquiries made by me, or my knowledge, the foregoing return is correct.

N.B.—Use only one form for each accident, attaching plain extension sheets if insufficient space here.

Signature.. .. ..

Title.. .. ..

SCHEDULE "B."

..... Railway. ..... 191..

REPORT to the Board of Railway Commissioners for Canada, as required by Section 292 of the Railway Act and by General Order of the Board No. 244.

1. Date..	
2. Hour..	
3. Train..	Conductor. Engine. Engineer.
4. Place.. .. .. Province..	
5. Name of person or persons injured or killed...	
6. Age..	
7. Passenger, employee or others..	
8. Residence..	
9. Description of injury...	
10. How accident occurred. NOTE.—If injury or damage be to a bridge, culvert, viaduct or tunnel, answer numbers 1, 2, 4, 9 and 10.	

Signature .. ..
Title .. ..

N.B.—Use only one form for each accident, attaching plain extension sheets if insufficient space here.

GENERAL ORDER No. 245.

In the matter of the complaints of the Dominion Millers' Association and the Toronto Board of Trade against the increased carload minimum weights on grain and grain products for domestic consumption, published by the railway companies to take effect April 2, 1917;

And in the matter of the application of the Canadian Railway War Board for permission to increase the minimum carload weight of flour as fixed by the General Order of the Board No. 186, dated April 4, 1917.

Files Nos. 28192 and 19475.37.

Upon the consent of the Dominion Millers' Association, the Toronto Board of Trade, and the Montreal Board of Trade, on file with the Board—

It is ordered: That Clause 4 of the General Order of the Board No. 186, dated April 4, 1917, be, and it is hereby, amended so as to provide that, until further Order

of the Board, the minimum carload weight of flour shall be fifty thousand pounds when loaded in cars of the capacity of 60,000 pounds or 70,000 pounds.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, August 8, 1918.

GENERAL ORDER No. 246.

In the matter of the eastbound transcontinental freight rates, and the powers conferred upon the Board under section 323 of the Railway Act;

And in the matter of the application of W. C. Campbell, Secretary, Canadian Freight Association, Winnipeg, on behalf of the railway companies engaged in transcontinental transportation from Pacific Coast terminals in British Columbia to Eastern Canada, for permission to increase their so-called commodity rates on not less than five days' notice.

File No. 28678.

Whereas the eastbound transcontinental freight rates on specific commodities from points in British Columbia recognized as Pacific Coast terminals to destinations in Eastern Canada have been in the past and are now lower than the regular scale of rates under the Canadian Freight Classification, and are related to the rates on like commodities when shipped from the corresponding terminals in the contiguous State of Washington to eastern destinations.

And whereas by order of the Director General of the United States Railroad Administration the United States carriers increased their freight rates, including their said transcontinental rates, from June 25, 1918, by twenty-five per cent, subject to certain modifications with respect to specific commodities, and because of the competitive character of the traffic it is expedient to continue at least the said relationship—

It is ordered: That the railway companies in Canada engaged in eastbound transcontinental traffic be, and they are hereby, permitted to increase their present commodity rates from the said Pacific Coast terminals in British Columbia to destinations in eastern Canada, subject, however, as a maximum to the lowest rates now in effect from the corresponding terminals in the State of Washington on like commodities to corresponding eastern destinations, and that the rates so increased be permitted to become effective not earlier than the ninth day of September, 1918, upon not less than five days' notice to the Board and to the shipping public by filing and posting in the manner prescribed in the Railway Act.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, August 12, 1918.

GENERAL ORDER No. 247.

In the matter of the adoption of a standard signal at railway grade crossings protected by watchmen.

File No. 28428.

By Circular No. 156, dated January 15th, 1918, addressed to railway companies subject to the jurisdiction of the Bord the said companies were directed to consider the adoption of a metal disc to be used as a standard at said crossings and to file their comments with the Board within thirty days from the date of the Circular.

Upon reading the replies filed by the railway companies affected, and upon the report and recommendation of the Chief Operating Officer of the Board.

It is ordered that the railway companies within the legislative authority of the Parliament of Canada be, and they are hereby, required and directed to adopt and put into use at all grade crossings protected by watchmen during the daytime a metal disc, sixteen inches in diameter, with a short handle having a white background with the word "Stop" in large black letters and a black border.

2. That Rule 33 of the General Train and Interlocking Rules which provides that "watchmen stationed at public crossings must use a green signal to prevent persons and vehicles from crossing the track when trains are approaching" be amended to conform with the standard hereby directed to be adopted.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, August 6, 1918.

GENERAL ORDER No. 248.

In the matter of the General Order of the Board No. 188, dated April 23, 1917, approving regulations for the Uniform Maintenance of Way Flagging Rules for Impassable Track and General Order No. 216, dated January 24, 1918, further defining "Frequent Service."

And in the matter of the application of the Canadian Railway War Board for an Order amending said Order No. 188 to provide for authority to use the Brennan Signal, so-called, or a device of a similar character in lieu of manual flagging required under said Order.

Files Nos. 4135.25 and 4135.44.

Upon hearing the application at the sittings of the Board held in Ottawa, June 4, 1918, in the presence of counsel for the Canadian Pacific, the Grand Trunk, and the Canadian Northern Railway Companies, and the Michigan Central Railroad Company, the Brotherhoods of Locomotive Engineers and Firemen being represented at the hearing, no one appearing for the applicant Railway Board, and what was alleged; and reading the written submission filed in support of the application and on behalf of the said Brotherhoods of Railwaymen; and upon the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That the rules approved by said General Order No. 188 be amended as follows, namely: By (a) inserting the word "main" after the word "the" in the first line and before the word "track" in the second line of Rule One; (b) striking out the figure "3" before "(b)" of Rule 3 (b) and the words "supported on two staffs with flag drawn out between them, at right angles to the track and five feet above rail level" in lines 1, 2, and 3 of said Rule, and substituting the letter "d" for the letter "a" to read "red" in the fourth line, and adding as clause "(d)" to said Rule the following: "Between sunset and sunrise and during stormy, foggy, or smoky weather conditions flagmen must be placed instead of the outer signals referred to in clause (b); (c) adding after the figure "2" in the first line of Rule 4 the words and figures "and Rule 3 (d)," and after the word "point" in the second line of said Rule 4 the words "or working point signal as the case may be," making the clause read "Trains stopped by flagmen, as per Rule 2 and Rule 3 (d), shall be governed by his instructions and proceed to the working point or working point signal, as the case may be, and there be governed by signal or instructions of the foreman in charge"; (d) inserting "(b)" after the figure "3" in the first line and substituting the word "has" for the word "had" in the fourth line of Rule

5; (e) substituting the word "must" for the word "may" in the second line of Rule 6; (f) striking out the words "Frequent service shall mean nine or more trains per diem" on page 4 of the Order, and (g) adding the following regulations after Rule 7 of the Order namely:—

8. "Frequent service" shall mean nine or more trains a day and "fast train service" shall mean a service at a speed of thirty-five miles or more an hour.

9. That the Brennan Signal device as approved by the Board, or a signal of an equally serviceable type attached to the base of the rail, to be approved by the Board. be used to display the signals directed to be provided under Rules 3 (b) and 6 (Yellow Signal) of this Order and Rule 35 (Yellow Signal) of the Uniform Code of Operating Rules.

10. Flagmen must each be equipped for day-time with a red flag and four torpedoes, and for night-time, and when weather or other conditions obscure day signals, with a red light, a white light, four torpedoes, three red fuses, and a supply of matches.

2. That the said General Order No. 216, dated January 24, 1918, be, and it is hereby, rescinded.

H. L. DRAYTON.
Chief Commissioner.

OTTAWA, August 19, 1918.

GENERAL ORDER No. 249.

In the matter of the application of the undermentioned railway companies for approval of their Standard Freight Tariffs of Maximum Mileage Tolls.

File No. 28678.

The said standard freight tariffs having been filed on the basis prescribed by Order in Council, P.C. 1863, dated July 27, 1918—

It is ordered: That the following standard freight tariffs of maximum mileage tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the *Canada Gazette* and preceded by the following notice:—

"The undermentioned standard freight tariffs having been filed for the "approval of the Board of Railway Commissioners for Canada, and being found "by the Board to be in accordance with Order in Council P.C. 1863, dated July "27, 1918, and having been approved by the General Order of the Board No. 249, "dated August 31, 1918, the rate scales thereof are hereby published as required "by section 327 of the Railway Act."

Algoma Central and Hudson Bay Railway	C.R.C. No.	478
Algoma Eastern Railway	C.R.C. No.	223
Atlantic, Quebec and Western Railway	C.R.C. No.	26
Boston and Maine Railroad	C.R.C. No.	1908
Canadian Northern Railway	C.R.C. No.	W–1132
Canadian Northern Railway	C.R.C. No.	E-1102
Canadian Pacific Railway	C.R.C. No.	W–2392
Canadian Pacific Railway	C.R.C. No.	E–3543
Central Vermont Railway	C.R.C. No.	1295

Dominion Atlantic Railway	C.R.C. No.	576
Edmonton, Dunvegan & British Columbia Railway	C.R.C. No.	86
Essex Terminal Railway	C.R.C. No.	484
Esquimalt and Nanaimo Railway	C.R.C. No.	402
Glengarry and Stormont Railway	C.R.C. No.	93
Grand Trunk Railway	C.R.C. No.	E–3957
Grand Trunk Pacific Railway	C.R.C. No.	298
Great Northern Railway—		
Manitoba, Great Northern Railway	C.R.C. No.	1424
Brandon, Saskatchewan and Hudson Bay Railway	C.R.C. No.	1425
Crows Nest Southern Railway	C.R.C. No.	1423
New Westminster Southern Railway Nelson and Fort Sheppard Railway Vancouver, Victoria and Eastern Railway and Navigation Company Red Mountain Railway Kettle Valley Railway	C.R.C. No.	1430
Victoria and Sydney Railway	C.R.C. No.	V–54
Halifax and South Western Railway	C.R.C. No.	F–64
Kettle Valley Railway	C.R.C. No.	174
Maine Central Railroad	C.R.C. No.	C–1566
Michigan Central Railroad	C.R.C. No.	2812
Napierville Junction Railway	C.R.C. No.	198
New York Central Railroad	C.R.C. No.	1650
New York Central Railroad	C.R.C. No.	1681
Père Marquette Railway	C.R.C. No.	2215
Quebec, Montreal and Southern Railway	C.R.C. No.	661
Quebec Oriental Railway	C.R.C. No.	37
Temiscouata Railway	C.R.C. No.	328
Toronto, Hamilton and Buffalo Railway	C.R.C. No.	1227

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, August 31, 1918.

GENERAL ORDER No. 250.

In the matter of the General Order of the Board No. 230, dated May 17, 1918, in the matter of the interswitching of freight traffic, and the General Order of the Board No. 243, dated July 25, 1918, postponing the effective date of the said General Order No. 230 until the first day of October, 1918.

Case No. 2846.

Upon reading what is filed by the Canadian Manufacturers' Association, and upon its request for further postponement of the effective date of General Order No. 230—

It is ordered: That the effective date of the said General Order No. 230, dated May 17, 1918, be, and it is hereby, further postponed until the first day of November, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, September 16, 1918.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 251.

In the matter of the General Order of the Board No. 244 dated July 26, 1918, requiring and directing inter alia every railway company subject to the legislative authority of the Parliament of Canada to give notice to the Board of any accident upon the railway attended with personal injury to any person using the railway or to any employee of the company.

File No. 45.

Upon the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That the said General Order No. 244, dated July 26, 1918, be, and it is hereby, amended by inserting the words "of personal injuries" after the word "reports" in the 14th line of the first paragraph of the Order; and the words "failure of locomotive boiler or any of its appurtenances" after the word "collisions" in the first line of paragraph (2) of the order.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 4, 1918.

GENERAL ORDER No. 252.

In the matter of the interswitching of freight traffic.

File No. 6713. Case No. 2846.

Under the authority conferred upon it by the Railway Act, the Board hereby rescinds its General Order No. 230, dated May 17, 1918, the effective date of which was postponed from July 1, 1918, to August 1, 1918, by General Order No. 239, dated June 19, 1918, to October 1, 1918, by General Order No. 243, dated July 25, 1918, and to November 1, 1918, by General Order No. 250, dated September 16, 1918, and doth order and declare as follows:

1. For the interpretation, application, and operation of this Order,—

(*a*) "Interswitching" means the movement of freight in cars between the unloading or loading tracks of one carrier, hereinafter called the "terminal carrier", and the point of interchange with another carrier by whom, singly or jointly with a further carrier, the said traffic has been carried from its point of shipment or is to be carried to its destination, hereinafter called, singly or jointly, the "line carrier", both the terminal carrier and the line carrier which interchanges with the terminal carrier being subject to the jurisdiction of the Board; the said movement being performed with or without the aid of an intermediate carrier whether subject or not subject to the jurisdiction of the Board, hereinafter called the "intermediary".

(*b*) The "interchange" means the junction between the terminal carrier and the line carrier, or between the terminal carrier and the intermediary, nearest to the point of loading or unloading of the car.

2. This order does not apply,—

(a) To tracks used by the terminal carrier for the transfer of freight between cars and its freight warehouse, or for the purpose of transhipments from car to car, nor to tracks otherwise set apart for its own working purposes, except team tracks;

(b) To joint movements which both begin and end in the same terminal or group of terminals or adjoining switching districts;

(c) To cars which, having been once properly interswitched for unloading, are reconsigned for unloading elsewhere within the same terminal or group of terminals.

3. Subject to the provisions of section 14, carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their own traffic at all points where interswitching facilities are, or may hereafter be, provided, under the circumstances and at the tolls herein prescribed.

Provided that no terminal carrier or intermediary shall be obliged hereunder to make any movement exceeding the distances herein specified at the tolls herein prescribed, and that the said distances be irrespective of the location of the interchange or of yard limits or boundaries.

4. The toll of an intermediary subject to the jurisdiction of the Board shall not exceed, irrespective of weight, three dollars per car for any distance within and including three miles, or three dollars and fifty cents per car for any distance exceeding three miles to and including four miles.

5. If the traffic is loaded or unloaded upon private sidings connecting with the railway of the terminal carrier, or directly from or into an industry, elevator or yard abutting upon its tracks (commonly known as industrial sidings), or in any public stockyard, the toll of the terminal carrier shall not exceed one cent per 100 pounds for the actual weight thereof, subjct to the minimum weight of the line carrier's tariff, for any distance within and including four miles from the interchange; except that the terminal carrier shall be entitled to a minimum charge of three dollars per carload of traffic included in the seventh, eighth and tenth classes of the Canadian Freight Classification, and five dollars per carload of all other traffic.

6. The toll of the terminal carrier upon all traffic other than that referred to in section 5, including traffic to or from team tracks, shall not exceed two cents per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carrier's tariff, for any distance within and including four miles from the interchange; except that the terminal carrier shall be entitled to a minimum charge of six dollars per car.

7. Not less than the following proportions of the tolls herein prescribed shall be absorbed in the rate of the line carrier and the remainder shall be an addition thereto:—

(a) One-half of the tolls charged by the terminal carrier under section 5 as qualified by section 9.

(b) Of the tolls prescribed in section 6 one-half of the tolls permitted under section 5, as qualified by section 9, as if the movement were to or from private sidings.

(c) One-half of the herein prescribed or lower tolls of each intermediary, if any, whether subject or not subject to the jurisdiction of the Board.

Provided that the line carrier may, unless its tariff rate is lower, charge and collect twelve dollars per car for its haul between the interchange and the point of shipment or destination when by reason of such absorption its line charges would otherwise be less than that amount.

8. The appropriate tolls hereinbefore prescribed shall not be exceeded, for the distances herein specified, in each direction for the movement from and the return to the line carrier of so-called off-line transit traffic, and the line carrier shall be subject to the absorption provisions of section 7 only when its through rates are the sum of its published rates to and from the stop-over point.

9. If an extra car, commonly known as an idler, is used solely to take care of an overhang of long articles loaded on an open car, it shall be charged by the terminal carrier not more than two-thirds of the herein prescribed appropriate toll for the minimum weight of the line carrier's tariff, except that the terminal carrier shall be entitled to a minimum charge of three dollars per car. If interposed between two cars in the same shipment to protect an overhang from each the idler shall be charged for once only.

10. No charge shall be made for the accessory interswitching of the empty car. If the car is loaded in both directions the interswitching toll shall be charged for each movement.

11. Subject to the provisions of section 14, nothing herein contained shall prevent the line carrier from absorbing the entire toll or tolls charged for interswitching competitive traffic, provided that the traffic and movements so treated are clearly defined in its tariffs.

12. Traffic to or from the United States shall be subject to the provisions of this order at the point of shipment or destination in Canada.

13. If an exceptional rate is published to apply to or from the tracks of the carrier line only, the ordinary rate which includes the right of interswitching shall be plainly indicated in the same schedule, and the latter rate shall not exceed the former by more than the appropriate toll herein prescribed for the interswitching service.

14. Should a team track shipper expressly order his shipment to be interswitched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination thereof, itself or through its connections or by interswitching, the same delivery and facilities as the said other carrier at no greater charge, the said initial carrier may, in lieu of the toll prescribed in section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

Provided, however, that this alternative shall not be lawful, and section 6 shall apply, if within forty-eight hours after the shipper has requested it the said initial carrier fails to place a suitable car reasonably convenient for loading.

15. In view of the services and tolls herein provided for, schedules now in effect authorizing any arrangement or device, such as free or assisted cartage, cartage allowance or the like, intended to equalize the facilities of competing carriers at common points, shall be withdrawn and cancelled within three months from the date of issuance of this order;

Provided that if a carrier deem itself entitled to any such equalization arrangement in a particular case, it may, within six months from the date of issuance of this order, or within six months following the establishment of interchange facilities at any particular point hereafter, apply to the Board for relief.

16. The schedules to give effect to this order shall be published and filed to come into force on the first day of January, 1919.

H. L. DRAYTON,
Chief Commissioner.

Dated at Ottawa, this 26th day of October, 1918.

GENERAL ORDER No. 253.

In the matter of the complaint of the Canadian Manufacturers' Association against the increased carload minimum weight for crushed stone published by the Grand Trunk, Canadian Pacific, and Canadian Northern Railway Companies, effective October 1, 1918.

File No. 28192·7

Upon hearing the complaint at the sittings of the Board held in Toronto, October 17, 1918, and what was alleged, and its appearing that certain carriers subject to the jurisdiction of the Board have published and filed schedules increasing certain carload minimum weights to conform to Circular No. 75 of the Canadian Railway War Board, dated at Montreal, August 5th, 1918—

It is ordered: That the said schedules be amended as follows, namely:—

1. To provide that the minimum weight for crushed stone and other building and paving materials, now shown as the marked capacity of the car but not less than 60,000 pounds, be the marked capacity of the car but not exceeding the actual weight when cars are fully loaded, subject to the said minimum of 60,000 pounds.

2. To provide that no greater weight shall be charged for the said materials than that to which the shipper may be restricted by the carrier by reason of any track bearing limitations.

3. That the amendments to give effect to this Order come into force not later than November 18, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 29, 1918.

GENERAL ORDER No. 254.

In the matter of the complaints of the Dominion Brokers, Limited, Calgary, Alta., Plunkett & Savage, Calgary, Alta., the Armstrong Growers' Association, Armstrong, B.C., and the Okanagan United Growers, Limited, Vernon, B.C., against the requirement of the Canadian Pacific Railway Company that, owing to the shortage of refrigerator cars and heaters, shippers of vegetables in British Columbia furnish stoves or other method of heating lined box cars, equipped with floor racks, in substitution for heated refrigerator cars.

File No. 18855.24.

Upon hearing the matter at Vancouver, B.C., June 6, 1918, Calgary, Alta., June 10, 1918, and Edmonton, Alta., June 11, 1918, and what was alleged, and upon reading the further submissions filed—

It is ordered: That the Canadian Pacific Railway Company, according to its powers and as required by shippers, supply heaters in all cars furnished for the receipt of vegetables in carloads, subject to the charges provided for in its published and filed tariff for cars so supplied and furnished;

And it is also ordered that heaters supplied by shippers when the said railway company is unable to comply with the provisions of this Order be returned by the said railway company, and by other railway companies subject to the jurisdiction of the Board in cases of joint movements, free of charge to the point of shipment of the said vegetables;

And it is further ordered that schedules giving effect to this Order be forthwith published and filed so as to give one day's notice to the Board.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 25, 1918.

GENERAL ORDER No. 255.

In the matter of the question of more adequate flagging protection on double tracks and the proposed amendment to Rule D. 35 of the "General Train and Interlocking Rules" as outlined in the Circular of the Board No. 163, dated April 9, 1918, and submitted for consideration to the Railway Companies.

File No. 4135-38.

Upon reading the replies filed by and on behalf of the railway companies subject to the jurisdiction of the Board, and the written submissions and representations made to the Board on behalf of the Brotherhood of Locomotive Engineers; and upon the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the "General Train and Interlocking Rules," approved by Order of the Board No. 7563, dated July 12, 1909, be, and they are hereby, amended by striking out the first paragraph of Double Track Rule 35 and substituting therefor the following:—

"D. 35. A yellow flag or yellow light placed beside the track on the same side as the engineer of an approaching train, or, where the practice is for trains to run to the left, yellow flag or yellow light placed on the left side of the track, as well as on the same side (between tracks) as the engineer of an approaching train, so that the engineer of the approaching train shall have a clear view of said signal for a distance of at least 1,200 feet,—indicates that the track 3,000 feet distant is in condition for a speed of but six miles an hour, unless otherwise instructed, and the speed of the train will be controlled accordingly. A green flag or a green light placed beside the track on the same side as the engineer of an approaching train, or on the left side of the track, if so operated, at a point beyond the slow track, indicates that full speed may be resumed."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, November 20, 1918.

GENERAL ORDER No. 256.

In the matter of Section 276 of the Railway Act as amended by Section 7 of Chapter 37 of 7-8 George V, repealing Subsection 1 of Section 276 of the said Act, and substituting therefor the following:—

"Whenever in any city, town, or village, any train not headed by an engine is passing "over or along a highway at rail level which is not adequately protected by "gates or otherwise, the company shall station on that part of the train, which "is then foremost, a person who shall warn persons standing on, or crossing, or "about to cross the track of such railway."

And in the matter of Rule 102 of the "General Train and Interlocking Rules" paragraphs 1 and 2 of which read as follows:—

"When cars are pushed by an engine (except when shifting and making up trains in "yards where there are no public highway crossings at rail level) a Flagman "must take a conspicuous position on the front of the leading car.

"Whenever in any city, town, or village, cars are passing over or along a highway at "grade not headed by an engine moving forward in the ordinary manner, a "man must take a conspicuous position on the foremost car, or tender, if that "is in front, to warn persons on the highway."

File No. 25434.

Upon the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That paragraphs 1 and 2 of said Rule 102 of the "General Train and Interlocking Rules" be, and they are hereby, rescinded and the following substituted therefor:—

"(1) When cars are pushed by an engine (except when shifting and making up trains in yards where there are no public highway crossings at rail level, or where there are public highway crossings at rail level adequately protected by gates, or otherwise) a Flagman must take a conspicuous position on the front of the leading car."

"(2) Whenever in any city, town, or village, cars not headed by an engine are passing over or along a highway which is not adequately protected by gates, or otherwise, at rail level, a man must take a conspicuous position on the foremost car to warn persons on the highway."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, November 20, 1918.

GENERAL ORDER No. 257.

In the matter of the application of the Canadian Northern Railway System for an Order to amend Rule No. 33 of the "General Train and Interlocking Rules" approved by Order No. 7563, dated July 12, 1909.

File No. 4135.

Upon reading what is filed in support of the application, urging the advantages of standardization for safe and efficient operation of railways; and upon the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That Rule 33 of the said "General Train and Interlocking Rules" be struck out and the following substituted therefor:—

"33. Watchmen stationed at public road crossings must, by day, display a "standard metal disc and, by night, a green light to warn pedestrians and per-"sons in vehicles that a train is approaching. Red signals must be used by them "only when necessary to stop trains."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, December 6, 1918.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 258.

In the matter of Rule 26 of the "General Train and Interlocking Rules" approved by Order of the Board No. 7563, dated July 12, 1909, providing that a blue flag by day and a blue light at night be displayed at one or both ends of an engine, car, or train for the protection of workmen engaged in, under, or around cars on regular repair tracks:

And in the matter of the question of requiring additional protection of workmen so engaged as contemplated by Circular of the Board No. 150, dated January 29, 1917, and Supplement No. 1 thereto, dated November 2, 1917, as well as Supplement No. 2, dated March 17, 1913, to Circular No. 98, copies of said Circular and Supplements having been served upon the railway companies subject to the jurisdiction of the Board with the request that said companies show cause why the recommendations embodied in such Circular and Supplements should not be adopted and put in practice on their respective railways.

File No. 20847.

Upon reading the answers filed on behalf of the Companies in response to said request, the reports of the Board's Inspectors, and the recommendation of its Chief Operating Officer—

It is ordered as follows:—

1. That all railway companies within the legislative authority of the Parliament of Canada, operating by steam, be, and they are hereby, directed to display the blue flag by day and the blue light by night, required by Rule 26 of the "General Train and Interlocking Rules," at a height of five feet above rail level, on a steel frame secured to the rail; the Day signal (flag) to be 22 by 28 inches in size, set at right angles to the track, and located between the switch and the first engine, car, or train occupying the track.

2. That all switches leading to regular repair tracks of every such railway company be locked with special locks and keys carried by the foreman in charge of the repair work, or other responsible party, whose duty it shall be to see that employees and workmen, so engaged, are warned and are clear from cars or engines before any switching movement is made on such track; and also that the switches are re-locked after the switching movement is completed.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, November 25, 1918.

GENERAL ORDER No. 259.

In the matter of the specifications for railway mail cars and the application by the Canadian Railway Mail Service Branch of the Post Office Department for an Order approving the same.

File No. 3083.

Upon hearing the application at the sittings of the Board held in Ottawa, January 7, 1919, in the presence of Counsel for the Canadian Pacific, the Grand Trunk, and the Canadian Northern Railway Companies, and the Michigan Central and the New York Central Railroad Companies, the Controller of the Canadian Railway Mail Service representing the Post Office Department in person, and what was alleged; and upon reading the representations filed on behalf of the Department and

the Railway Companies affected; and upon the report and recommendation of the Board's Mechanical Expert, concurred in by its Chief Operating Officer, and its appearing that all interests have agreed to the adoption of the specifications filed as amended—

It is ordered that the "Specifications for Mail Cars", dated Ottawa, May 22, 1918, submitted by the Canadian Railway Mail Service Department, as amended and corrected and on file with the Board under file No. 3083 be, and they are hereby, approved and adopted as the standard to be used by railway companies operating in Canada and within the legislative authority of the Parliament of Canada.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, January 13, 1919.

GENERAL ORDER No. 260.

In the matter of the General Order of the Board No. 203, dated August 11, 1917, approving the regulations for the transportation by freight of Dangerous Articles other than Explosives as amended by General Orders Nos. 206 and 207, dated respectively September 7 and October 26, 1917, and the application of the Prest-O-Lite Company of Canada, Limited, for an Order amending the regulations approved by said General Order No. 203.

File No. 1717·1

Upon reading what has been submitted in support of the application, and the recommendation of the Chief Traffic Officer of the Board, the Chairman of the Canadian Freight Association consenting for the railway companies, as appears by his letter to the Secretary of the Board, dated January 28, 1919—

It is ordered: That the regulations approved by said General Order No. 203, dated August 11, 1917, be, and they are hereby, amended, by striking out paragraph (*j*) of Rule 1861 and substituting therefor the following, namely:—

"(*j*) Cylinders containing acetylene gas must be completely filled with "a porous material that has been tested with satisfactory results by the Bureau "of Explosives, and this material must be charged with acetone, or its equi- "valent, not to exceed 40 per cent of the interior volumetric capacity of the "cylinder. The pressure in cylinders containing acetylene gas must not exceed "250 pounds per square inch at a temperature of 70° F.

"Cylinders containing acetylene gas must not be shipped unless they were "charged by the person or company by or for whom the cylinders were manu- "factured. Provided that they may be charged by a person or company having "possession of complete information, furnished in writing by the person by or "for whom the cylinders were manufactured, showing the nature of the porous "filling and solvent in the cylinders and the meaning of the test markings, "solvent indicator markings, and other markings on the cylinder."

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, March 17, 1919.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 261.

In the matter of the General Order of the Board No. 102, dated February 17, 1913, approving "Regulations with respect to Railway Safety-Appliance Standards".

File No. 11654.23.

Whereas reports made to the Board show a large number of accidents—sometimes resulting fatally—to railway employees because of defective coupler attachments used by railway companies;

And whereas the Master Car Builders' Association has approved an equipment dispensing with the use of links, clevises, or chains;

Upon reading what has been filed by the different railway companies affected, and for the purposes of uniformity and the safety of railway employees—

It is ordered that the "Regulations with respect to railway safety-appliance standards" approved under said General Order No. 102, dated February 17, 1913, be, and they are hereby, amended by adding at the end of the provision under the heading "Uncoupling-Levers" at the top of page 12 of said regulations the following, namely:—

> "Cars built after June 1, 1919, must be equipped with coupler operating "lever connected direct with coupler lock or lock lift without the use of links, "clevises, or chains".

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, March 18, 1919.

CIRCULAR No. 163.

OTTAWA, April 9, 1918.

Flagging Signals Double Track—Rule 35, General Train and Interlocking Rules.

File 4135·38.

The Board has under consideration the matter of more adequate flagging protection on double tracks and I give you below draft of order which it is proposed to issue in this connection:

> "On double track where trains run to the left a yellow flag on two staffs, or a yellow light 5′ above rail level placed to the left side of a track as seen by an engineer of an approaching train, with a yellow flag, or a yellow light, as a marker placed on the opposite side of the track to be protected, indicates that the track 3000′ distant is in condition for a speed of but 6 miles an hour, unless otherwise instructed, and the speed of trains will be controlled accordingly. A green flag, or a green light, placed beside the track on the left hand side as seen by an engineer of an approaching train, at a point beyond the slow track, indicates that full speed may be resumed".

Railway companies subject to the jurisdiction of the Board are requested to file within thirty days from the receipt of this circular such comments as they may wish to make thereon.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 164.

OTTAWA, April 15, 1918.

Preventable accidents to railway employees.

File No. 28293.

The Board notes from its reports that a considerable number of accidents result from employees attempting to get on or off moving cars or engines, or attempting to crawl under moving cars, or to get through moving cars between or over couplers. The following detail shows the situation for the years 1916 and 1917, as disclosed in the Board's reports—

	1916.		1917.	
	K.	I.	K.	I.
Jumping off train in motion..	5	14	1	28
Attempting to board train..	2	14	2	26
Adjusting couplers, coupling and uncoupling.	5	39	5	53
Crawling under cars..	..	1	..	1
Crawling through cars over couplers..	1	..	..	7
Caught while passing through cars between couplers..	3	4	..	..
Riding on pilot of engine..	2	2	1	3
	18	74	9	118

The employees killed in 1916 from the classes of accidents above set out amount to 15 per cent of the total employees killed, while for 1917 the figures are 5·7 per cent. Those injured represent for 1916, 9·5 per cent and for 1917, 10 per cent.

This represents a preventable injury; and the Board desires each railway subject to its jurisdiction to bring this matter, by bulletin or other publication, properly before the attention of its employees, so as to prevent in so far as possible the occurrence of such accidents.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 165.

OTTAWA, April 19, 1918.

Accidents to railway employees where two main tracks parallel each other.

File 28433.

The following rule has been adopted by some railways under the Board's jurisdiction for the protection of employees where two main tracks parallel each other and are less than twenty feet from centre to centre, viz.:

> Where two main tracks parallel each other and are less than twenty feet from centre to centre, whether such tracks are for double or single track operations, employees in every instance, when stepping out of the way of approaching trains, must move to the right of way and not to the other track. Foremen will be personally responsible for educating their men accordingly.

The Board desires to be informed by all railways within its juridiction whether they have such a rule in effect, and if not, what, if any, objection they would urge against the rule in question being applied generally.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 166.

OTTAWA, April 30, 1918.

Inspection and testing of locomotive boilers and their appurtenances.

File 16513.

Under clause 46 of General Order No. 78, dated July 14, 1911, railway companies are required to file not less than once each month and within fifteen days after each inspection, a report of inspection of each locomotive used by a railway company.

I am directed to ask that such reports also show conditions of nettings, dead plates, ash pans, dampers, and slides of locomotives and that the Inspector who makes the inspection sign the report as to the conditions.

By order of the Board.

A. D. CARTWRIGHT.
Secretary.

CIRCULAR No. 167.

OTTAWA, June 19, 1918.

Rules for wires erected along or across railways—General Order No. 231.

Case 4704.

The Board is in receipt of inquiries in regard to the scope of General Order No. 231, dated May 6, 1918, containing rules for wires erected along or across railways, and as there appears to be some misunderstanding as to whether an order is necessary where construction is along the railway, I am directed to state that the amending provision, section 7, chapter 22, of the Statutes of 1911, dispensing with the necessity of an order where the railway company consents, as set forth on page 2 of General Order No. 231, as printed, applies only to construction *across* the railway.

Where the wires or other conductors are to be erected *along* the railway an order of the Board is therefore necessary.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 168.

OTTAWA, July 16, 1918.

Destruction of Stations by Fire, etc.

File 28780.

With respect to stations destroyed by fire or other cause, all railway companies subject to the jurisdiction of the Board are hereby required to report to it the particulars of the destruction of such station buildings, whether by fire or otherwise, immediately after the occurrence.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 169.

OTTAWA, July 18, 1918.

Equipment Returns.

File No. 6623.

Referring to the Board's Circular No. 85, this is to advise that the monthly statement of cars held for repairs may now be discontinued, as this information is now required to be filed under Circular No. 153. The filing of the semi-annual equipment report must, however, be continued, same being promptly mailed to the Chief Operating Officer of the Board.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 170.

OTTAWA, August 13, 1918.

Automatic Train Stop.

File 28840.

In view of the frequency of accidents, as shown by reports made to the Board from time to time, indicating that some grave consideration should now be given by Canadian railways to the question of the advisability of adopting an effective automatic train-stop device, the Board, in full realization of the necessities of the situation brought to its attention, desires an expression of the views of each railway company under its jurisdiction upon the subject after full consideration and investigation has been given by the railways.

It is suggested that the Canadian Pacific, Grand Trunk, Michigan Central, Canadian Northern, St. Lawrence and Adirondack, Grand Trunk Pacific, and Toronto, Hamilton and Buffalo Railway Companies should appoint a special committee to consider the matter, a report as to progress to be made to the Board within 90 days from this date.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

SESSIONAL PAPER No. 20c

CIRCULAR No. 171.

OTTAWA, September 25, 1918.

Disinfecting passenger cars that have been occupied by patients suffering from contagious or infectious diseases.

File No. 1708-3.

Railway companies subject to the jurisdiction of the Board are required to issue instructions to conductors of trains carrying passengers, to report, immediately, to the proper officer, any case, or cases, that they know of or have reason to suspect, of a passenger, or passengers, suffering from contagious or infectious diseases, having travelled in any of the cars in their trains; and, furthermore, instruct the official designated to have such car, or cars, removed from service and thoroughly disinfected in accordance with clause 5 of General Order No. 35, before permitting the same to go into service again.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 172.

OTTAWA, September 25, 1918.

Uniform Maintenance of Way Flagging Rules.

File 4135.25.

The Maintenance of Way Flagging Rules as set forth in General Order No. 188, dated April 23, 1917, have been amended by General Order No. 216 of January 24, 1918, and General Order No. 248 of August 19, 1918.

On order that there may be no misunderstanding in regard to these rules, I am sending you herewith a copy of the Rules as they now stand with the amendments called for in General Orders 216 and 248.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

OTTAWA, September 25, 1918.

UNIFORM MAINTENANCE OF WAY FLAGGING RULES.

RULES OF GENERAL ORDER NO. 188 AS AMENDED BY GENERAL ORDER NO. 248.

1. Before undertaking any work which will render the main track impassable, or if rendered impassable from any cause or defect, trackmen, bridgemen, or other employees of the company shall protect the same as follows:

2. (*a*) on double track; (*b*) on three or more tracks; (*c*) in mountain territory; and (*d*) on all lines with frequent or fast train service—

Send out a flagman in each direction with stop signals, at least—

1,500 feet in daytime, if there is no down grade towards the obstruction within one mile, and there is a clear view of 6,000 feet from an approaching train.

3,600 feet at other times and places, if there is no down grade towards the obstruction within one mile.

5,400 feet if there is a down grade towards the obstruction within one mile.

The flagman must, after going the required distance from the obstruction to insure full protection, take up a position where there will be an unobstructed view of him from an approaching train of, if possible, 1,500 feet, first placing two torpedoes on the rail (not more than 200 or less than 100 feet apart), on the same side as the engineer of an approaching train, 300 feet beyond such position. The flagman must display a red flag by day and a red light by night, and remain in such position until recalled or relieved.

3. On other lines (*a*) By day place a red flag and, in addition, by night a red light, on the same side of the track as the engineer of an approaching train, at a point 600 feet from the defective or working point, with two torpedoes placed on the rail opposite each other so as to cause but one explosion, 150 feet in advance of the red signal, and provide further protection as follows:—

(*b*) By day place a red flag and, in addition, by night a red light,—on the same side of the track as the engineer of an approaching train so that will be clearly in his view, at least—

3,600 feet from the defective or working point, if there is no down grade towards the obstruction.

5,400 feet if there is a down grade within one mile of the obstruction, or as much farther as may be necessary to insure full protection.

(*c*) Place two torpedoes (not more than 200 or less than 100 feet apart) on the rail on the same side as the engineer of an approaching train, 300 feet in advance of the red signal.

(*d*) Between sunset and sunrise and during stormy, foggy, or smoky weather conditions flagmen must be placed instead of the outer signals referred to in Clause (*b*).

4. Trains stopped by flagman, as per Rule 2 and Rule 3 (*d*), shall be governed by his instructions and proceed to the working point or working point signal, as the case may be, and there be governed by signal or instructions of the foreman in charge.

5. Trains stopped by red signal, as per Rule 3 (*b*) shall replace the torpedoes exploded and proceed to the working point signal, and there be governed by signal or instructions of the foreman in charge, unless in the meantime stop signal has been removed.

6. In the event of train order protection being provided the defective or working point must be marked by signals placed in both directions as follows:

Yellow flags by day and in addition yellow lights by night, 3,600 feet from the defective or working point; red flags by day, and in addition red lights by night, 600 feet from the defective or working point, on the same side of the track as the engineer of an approaching train; except on double track, where trains run to the left, in which case signals shall be placed to the left hand side as seen by an engineer of an approaching train, and there is a clear view of at least 1,200 feet.

7. When weather or other conditions obscure day signals, night signals must be used in addition.

8. "Frequent service" shall mean nine or more trains a day and "fast train service" shall mean a service at a speed of thirty-five miles or more an hour.

9. That the Brennan Signal device as approved by the Board, or a signal of an equally serviceable type attached to the base of the rail, to be approved by the Board, be used to display the signals directed to be provided under rules 3 (*b*) and 6 (yellow signal) of this order and rule 35 (yellow signal) of the Uniform Code of Operating Rules.

10. Flagmen must each be equipped for day time with a red flag and four torpedoes, and for night time, and when weather or other conditions obscure day signals,

with a red light, a white light, four torpedoes, three red fusees, and a supply of matches.

And it is further ordered that the foregoing rules be printed in the working time-tables of the said railway companies for the guidance of all employees.

Subdivisions to be named setting out which of the rules are applicable to each.

CIRCULAR No. 173.

OTTAWA, November 15, 1918.

Employment by Railway Companies of trackmen under physical disability as regards hearing and eyesight.

File No. 1750.17.

The Board has given careful consideration to the matter of employment by railway companies of trackmen suffering disability from defective hearing and eyesight, and to accidents resulting therefrom, and while realizing the desirability, owing to the present shortage of unskilled labour, of hampering the railway companies as little as possible in their selection of this class of labour, it is of the opinion that where a trackman is employed the foreman engaging him might reasonably satisfy himself that the candidate for employment suffers no such serious physical disability with respect to hearing and eyesight as will render him specially liable to accident or increase the hazard of the employment for which he is engaged; and the co-operation, as far as possible, of the railways is therefore asked in furtherance of this protection.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 174.

OTTAWA, December 11, 1918.

Hand Rails and Small Foot Rests on the outside of locomotives, and railing on tender to prevent men from slipping off when they are passing over the tender or when the locomotive is taking coal or water.

File 22223.

I am directed by the Board to ask that you furnish, within thirty days of the date of this circular a statement giving the number of engines equipped by your company in compliance with General Order of the Board No. 171, dated August 1, 1916, and the number still to be equipped.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 175.

OTTAWA, February 24, 1919.

Re Interswitching Tickets or Receipts.

File 6713.158.

Railway companies subject to the jurisdiction of the Board using, or proposing to use, a special form of local shipping receipt or switching ticket, in lieu of the approved bill of lading, to the point of transfer for interswitch movements, are required to furnish the Board, at the earliest possible date, with two specimen copies of the form used, or proposed to be used.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

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